

**Cannabis Control Committee  
Town of Pelham**

**Minutes of Meeting  
Wednesday, January 20, 2021 – 5:00 p.m.  
Zoom Video Conference**

- Present:** Tim Nohara (Chair)  
Bob Hildebrandt, Councillor - Town of Pelham  
John Langendoen  
Bill Heska  
Louis Damm  
Jim Jeffs  
Jim Steele  
Carla Baxter  
David Cribbs, CAO - Town of Pelham  
Barbara Wiens, Director, Community Planning & Development, Town of Pelham  
Shannon Larocque, Senior Planner, Community Planning & Development,  
Town of Pelham  
Jodi Legros, Administrative Assistant, Community Planning & Development,  
Town of Pelham (Secretary)
- Other:** Bob Lymburner, Fire Chief – Town of Pelham  
Phil Girard, PG Compliance Management Inc.
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**1. Declaration of Quorum**

Chair declared quorum at 5:03 p.m.

**2. Approve Agenda**

Additional items have been included in 'Other Items' to the Agenda.

Moved by B. Heska, seconded by J. Langendoen that the Agenda of January 20, 2021 as amended, be approved.

CARRIED

**3. Implementation of Odorous Industries Nuisance By-law (4202-2020)**

**a. Phil Girard Presentation and recommendations on the ambient odour neighbourhood monitoring program (AOMP)**

P. Girard gave a detailed presentation on the design of an AOMP that will help the Town implement the Odorous Industries Nuisance Bylaw (OINBL). This design would be part of an RFP to hire an environmental contractor to carry out the work. This presentation was double the length of the initial presentation he gave to the Committee on November 25<sup>th</sup>, 2020 and included additions, revisions and recommendations to the AOMP that took into account complaints filed by residents, nasal ranger experience by enforcement staff, and comments from the Committee and staff.

Revisions included odour sampling frequency and locations for quality measurements, discussion of receptor impacts and reporting, and recommendations on reducing the odour unit limits to 1 odour unit as the current ones are not protective.

Discussion took place between P. Girard, Committee members and Town staff on odour unit limits. B. Lymburner reminded the Committee testing and recording must be enforceable and defensible with respect to adverse effect. P. Girard noted that complaints are the key to establishing adverse impact.

**b. Bob Lymburner Report on Enforcement's Odour Measurements & PSR complaints through December 31, 2020**

B. Lymburner informed the Committee there have been 4 new residents who each filed an odour complaint using the PSR system in December along with 9 new odour PSRs filed by a complainant who has previously filed PSR complaints. In December, by-law carried out 9 random odour sampling measurements with just one taken at a cannabis facility property line that registered 3 odour units on the nasal ranger. The by-law officer smelled cannabis odour three times with his nose.

For the month of January 2021, 1 PSR complaint was received from a new complainant and 1 from a prior complainant to date. By-law conducted 26 random measurements to date in January.

T. Nohara asked if by-law has been able to measure an odour reading greater than 3 odour units. B. Lymburner confirmed that they have not registered reading that exceeded 3 odour units.

B. Lymburner advised that although Health Canada leaves enforcement to the municipality, they will no longer provide information to By-law Staff on locations of designated growers when requested.

By-law Staff are responding to a number of complaints as soon as they are posted on the PSR system. By-law noted that one person in Fenwick admitted that he filed a complaint without actually detecting odour. Complaints must be valid.



By-law Staff's goal is to achieve compliance and not to shut down a business. T. Nohara noted that the Committee shares that goal.

**c. Discussion**

The committee discussed P. Girard's presentation at length, including the wind speed map description, odour unit limit and masking agents with P. Girard.

P. Girard explained his Wind Rose plot in relation to the Redecan facility and the committee learned and discussed (i) why it is challenging with our local wind patterns for by-law to measure cannabis odour without hunting for it upwind and downwind, and (ii) why particular dwellings such as those downwind on Foss Road and on Balsam Street in Welland are so affected with complaints.

P. Girard and the Committee also discussed reducing the odour threshold that by-law is using based on actual experience. P. Girard confirmed that the most important tool is the Town's complaints, and that the MECP sets 1 odour unit on odorous industries. He noted that lower odour units at a higher frequency can be just as problematic as higher odour units on an infrequent basis. It is clear from the complaints that Redecan is causing off-property impact.

T. Nohara raised the question of asking the cannabis producers to provide their ESDM report and contingency plan as required by the OINBL.

**4. Approval of Minutes of November 25, 2020 and December 16, 2020**

Moved by B. Heska, seconded by J. Langendoen, that the amended Minutes of November 25, 2020 and the Minutes of December 16, 2020 be deferred to the next meeting.

CARRIED

**5. Update on Legal Actions**

No updates to report.

**6. Review of Draft Light By-Law with provisions to include sky glow**

**a. Discussion on approaches to defining light threshold**

T. Nohara disclosed there may be a conflict with some committee members concerning the information L. Damm will be discussing.

L. Damm advised that he and J. Langendoen are communicating with local growers. He noted light by-laws were introduced in other municipalities such as Kingsville and Leamington without consideration for the fact that cannabis growers are governed by the Cannabis Act and flowers and vegetable growers are not and have different standard venting practices which impact the release of light. Growers plan to challenge those by-laws. L. Damm suggested flowers and vegetables growers be excluded from the light by-law to avoid costly challenges. L. Damm noted that Flowers Canada and Ontario Greenhouse Vegetables Association are going to challenge improper bylaws and he believes it will become a normal farm practices issue.

Staff noted concern from skyglow from all growers and do not recommend targeting cannabis growers only.

T. Nohara noted that we need to focus on a bylaw that addresses the adverse effects of skyglow experienced in Pelham. Based on complaints, the skyglow of concern has not been coming from vegetable and flower growers in Pelham, but from the two large cannabis operations.

D. Cribbs noted that there may be some options for proceeding, and yet we may end up having to wait on this one.

The Committee discussed a wait and see approach to see what happens with challenges to the Leamington and Kingsville by-laws.

## **7. Other items**

B. Heska indicated information was released today from Niagara Region Planning of how municipalities are dealing with cannabis related issues. B. Wiens noted it is high-level research of what municipalities are doing to regulate cannabis. T. Nohara agreed to provide comments and B. Wiens will forward to the Region.

T. Nohara advised he will provide Council with a Committee update on February 1, 2021 Council meeting with the focus on the steps to complete the implementation of the odour by-law.

T. Nohara provided an update to the Committee on a discussion with legal concerning the applicability of our by-laws to designated grow operations.

T. Nohara advised he has not received a response from the local MP on designated grow operations in Pelham.

**8. Next Meeting: February 17, 2021 at 5:00 pm**

**9. Adjournment**

Moved by J. Jeffs, seconded by J. Langendoen that the meeting be adjourned.

The meeting adjourned at approximately 7:44 p.m.

CARRIED

Signed by:

*Tim J. Nohara*

*Edited*

*by: Tim Nohara (Chair)*

*J. Legros*

Prepared by: Jodi Legros, Administrative Assistant  
Community Planning & Development-Town of Pelham