



**CANNABIS CONTROL BOARD**

89 Main Street Montpelier, VT 05602 | [ccb.vermont.gov](http://ccb.vermont.gov)

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**From:** [noreply@vermont.gov](mailto:noreply@vermont.gov) <[noreply@vermont.gov](mailto:noreply@vermont.gov)>

**Sent:** Saturday, March 4, 2023 5:24 PM

**To:** Gilman, Gabriel <[Gabriel.Gilman@vermont.gov](mailto:Gabriel.Gilman@vermont.gov)>; Lashua, Kimberley <[Kimberley.Lashua@vermont.gov](mailto:Kimberley.Lashua@vermont.gov)>; Wells, Lindsey <[Lindsey.Wells@vermont.gov](mailto:Lindsey.Wells@vermont.gov)>; Marvel, Nellie <[Nellie.Marvel@vermont.gov](mailto:Nellie.Marvel@vermont.gov)>; Fitch, Olga <[Olga.Fitch@vermont.gov](mailto:Olga.Fitch@vermont.gov)>

**Subject:** Webform submission from: Public Records Request Form

**Name**

Heriberto Troche

**Please describe the records you are requesting and provide as much specificity as possible, including applicable date ranges.**

Requesting records related to "Land Lease Agreements", "Rental Rate", and "Value of Cannabis Leased Land" in the last 2 years, or for any records or lease agreements available on record.

I currently have a Tier 3 licensed tenant with a rental rate clause in our agreement that allows for adjustment of the rental rate based on the market values of leased cannabis cultivation land across the state.

This clause was added to ensure that the landowner, who is a Social Equity License holder, is appropriately compensated for the leased land that is being used for the Tier 3 cultivators License by the lessee and the flexibility specifically allows for upward adjustment based on research on data that is collected after the opening of this burgeoning market.

This request is supported by the Roads Consulting Attorney (J.D.) as necessary to enforce the rental rate clause of the lease agreement. Roads does not have a real estate specialist on staff and cannot provide any specific guidance or recommendations on better understanding the market value of leased cannabis cultivation land beyond requesting any information that is available in CCB public records.

Respectfully,

Landowner/Licensed Cultivator

CCC

**Declaration (Required)**

Yes

**Date Submitted**

Sat, 03/04/2023 - 00:00





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**From:** Gilman, Gabriel <[Gabriel.Gilman@vermont.gov](mailto:Gabriel.Gilman@vermont.gov)>  
**Sent:** Monday, March 20, 2023 9:25 AM  
**To:** [cannabotfarms <cannabotfarms@yahoo.com>](mailto:cannabotfarms@yahoo.com)  
**Cc:** Marvel, Nellie <[Nellie.Marvel@vermont.gov](mailto:Nellie.Marvel@vermont.gov)>  
**Subject:** RE: Webform submission from: Public Records Request Form

Mr. Troche,

Thank you for your patience as we have searched for content responsive to your request for

*records related to "Land Lease Agreements", "Rental Rate", and "Value of Cannabis Leased Land" in the last 2 years, or for any records or lease agreements available on record.*

I have construed your request as one for any records in our custody pertaining to the market value per unit area unit of cannabis cultivation land.

Under Vermont law, most of the information in an application for a cannabis establishment is confidential and exempt from public inspection under the Vermont Public Records Act. See 7 V.S.A. § 901(h)(1)(A) and 7 V.S.A. § 881(a)(1)(B). This includes anything that could compromise public safety, security, trade secrets, or information relating to operating plans. In addition, licensee records relating to security, public safety, transportation, trade secrets, or employees is also confidential. See 7 V.S.A. § 901(h)(1)(B).

The Cannabis Control Board almost certainly possesses some records that would be responsive to your request, in the form of lease documentation submitted by cultivators to demonstrate a lawful right to use the land on which they have applied to cultivate. However, isolating these records from individual license applications would require many hours of staff time, and because lease agreements and rates are in the nature of trade secrets, I would be obligated to redact all of the information that would make the documents useful to you—in effect, charging a substantial amount of money, per the [Uniform Charges Schedule](#), to give you a list of documents that cannot be disclosed. This seems so unlikely to be helpful that I assume you would not want it done, but if you would like a time estimate, please let me know.

Because this reply effectively denies your request, I am required by law to specify that I am the person who determined the requested records are not eligible for release, that my title is as it appears in the signature line below, and that you have a right to appeal this determination to CCB Executive Director Brynn Hare ([brynn.hare@vermont.gov](mailto:brynn.hare@vermont.gov)).

Don't hesitate to call if I have misunderstood your request or if you have questions.

With best regards,

Gabe

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Gabriel M. Gilman  
General Counsel





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*Vermont Cannabis Control Board*

*89 Main Street, Montpelier, VT 05620-7001*

*(m) 802.261.1510*

<https://ccb.vermont.gov/>

