

# Montague Planning Board

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**November 28, 2017 6:30 PM**

Town Hall – Second Floor Meeting Room

One Avenue A

Turners Falls, MA 01376

## MEETING MINUTES

**Members Present:** Ron Sicard – Chair, Fred Bowman, George Cooke, Bruce Young, Bob Obear and Elizabeth Irving

**Staff Present:** Walter Ramsey-Town Planner, David Jensen-Building Inspector, Kaitlin Young – Planning Intern

Ron Sicard opened the meeting at 6:30 PM. and stated that the meeting was being recorded.

### Approval of Minutes:

*Bruce Young made a motion to accept the October 24, 2017 minutes. Seconded by Fred Bowman, motion approved unanimously.*

### Informational Session – 2018 Community Development Strategy (CDS):

Ron Sicard opened the session: The purpose of this informational session is to solicit public comment to Montague’s draft CDS. The CDS identifies community development goals and objectives over a 3 to 5 year period; how the community intends to address these goals and objectives utilizing CDBG and non-CDBG funds and provide a priority list of activities/projects that the town intends to carry out to achieve these goals and objectives.

**Guests that signed in:** Richard Messick, Sarah Ryder, Vanessa Zaehring, Gina McNeely – Health Director, Kaitlin Young – Planning Intern, Jon Dobosz – Montague Parks Director, Jen Audley, Ernest Brown – ZBA Chair Town of Montague, Tammy and Michael Ketcham, Jason Campbell, Rachel Stoler, and Donna Ardine.

Walter Ramsey presented the CDS and noted that it is updated every two to three years as part of a requirement of funding for the CDBG program. Montague is considered a non entitled community which means they have to compete against other communities and apply every few years for the funding that is available. The CDBG focuses on prioritization of community goals and objectives that help to prove to the Federal government that the Town has a concrete plan and a way to implement it through various revenue streams including but not limited to the block grant funds.

The last update was done 2 years ago and the new rules brings new formatting and a change of length in the application down to only 3 pages from the previous 7 pages including the need to specify and focus on goals and objectives. We are looking for input from the community over the next two weeks which can come from this meeting, emails or stopping by the office and chatting with Walter. Walter summarized the document then opened the floor for comments and feedback.

Vanessa Zaehring - How successful is the town in attaining funding to implement these goals?

Walter Ramsey – the Town has received Block Grant funding over the last 5 years. Recently some of the improvements that were funded were UnityPark, skatepark, Shea Theater, streetscapes improvements for example.

Jen Audley – Is pleased to see items coming to reality that have been in the works. She would like to advocate for improvements for elementary school playgrounds. They are open spaces that people see and use.

Jon Dobsz (Parks and Rec) – Is working with Hillcrest School in getting funding for improvements. Rutters Park is being looked at for improvements and there is a Public Meeting tomorrow night.

Bruce Young – Doesn't think the DPW facility should be in the list as the other items on the list are community centered seems more department based. Does it belong in this plan? Walter will look into examples from other communities. Others argued that the DPW is a critical community facility.

Unidentified Person – Can the new website be made ADA compliant? Walter referred her to meet with Steve Ellis, Town Administrator. He is magagin the roll-out of the new website.

### **PUBLIC HEARING – Zone Change ZC#2017-04 Recreational Marijuana Moratorium**

Ron Sicard opened the hearing and read the legal notice.

At the October Planning Board meeting Walter Ramsey distributed the proposed moratorium language. The Board took time to read and consider the language of the moratorium. There was a discussion about how recreational marijuana would be classified under zoning without a moratorium in place. Planner indicated that recreational marijuana would be classified as a “retail sales and service” use which is allowed by right in the following districts: General Business, Central Business, and Neighborhood Business up to 1,000 square feet, and by Special Permit in Rural Business and Industrial.

The State passed the legalized marijuana bill but there are no regulations how retail marijuana will be regulated or controlled. The Cannabis Control Commission (CCC) is preparing regulations but they will not be issued till March 15, 2018. Applications for Recreational Marijuana uses can be filed with the CCC starting April 1, 2018. With this time frame it leaves towns very little time to do zoning changes; so many might consider a temporary moratorium on recreational marijuana which can be done through December 30, 2018. As of June 2018 business would be able to sell or distribute recreational marijuana.

The Selectmen have initiated a petition to change the zoning amendment and the Planning Board (Walter drafted an all inclusive moratorium using a template from Town Counsel)

Current Zoning with Medical Marijuana – (Medical Dispensary) they are licensed by the state and the Town allows them by special permit and site plan review in the commercial districts (ID, CB and HI). The Planning Board looks at all aspects of where the business would be located and the impacts from the site plan to the lighting and hours of operation before making a decision.

Zoning for Recreational Marijuana would fall into the category of Retail Sales and Service which is allowed by right in the following districts: GB, HI, CB where it is allowed by right along with two mixed uses areas including NB and RB (where you have businesses next to homes). Along with being able to do it by right, the signage can be up to 32 feet in size but can't blink or be light from 11 pm – 7 am.. Walter shared a map of where it would be permitted in comparisons to Medical Marijuana.

Things to consider include limiting the number of retail establishments which is decided by the state and the town would need to pass a zoning bylaw amendment and then have it go to a town-wide ballot. Montague as

it stands can have 3 retail establishments; the figure is determined by calculating 20% of the alcohol licenses in town.

Marijuana Cafes to be permitted would need a majority vote at the state election in November 2018.

Fred Bowman cautioned that the reality of a proposed tax (3%) on the products it would be voted at during town meeting. To make \$30,000 of revenue for the town sales would have to be at a million dollars.

### **Public Comments included:**

- Jason Campbell - argued that there is more economic value than less, using the Northampton dispensary as an example. He just came back from Colorado where he saw the benefits of improvements to the community from new public safety facilities to uniforms and trainings for fire and police. Increase in property value and decrease in vacancies. We need to address the auxiliary needs a dispensary will bring to the community. Currently Northampton is having revenue of 10 million in its dispensary.
- Gina McNeely, Director of Public Health Town of Montague – Is in favor of a moratorium till December 2018 as there is a Public Health cost, including kids getting addicted, the marijuana industry marketing to children and those folks that should not have access till they are 25 years old. You have to look past the “bells and whistles” and think of the direct impact on hospitals, rehab centers shelters and under bridges where folks end up when they are addicted.
- Tammy Ketcham – what would it take to change the zoning around this as the concern is that the zoning is too open for where to place dispensaries?
- Bruce Young –Tonight we need to decide if we want a moratorium to see what the state regulations will be.
- Donna Ardine, Nurse – The big problem facing us is heroin not marijuana.
- Michael Ketcham – Feels the issue is how empowered to we feel and can we have this and protect our families. I think a moratorium can move forward and happen and safely. We need and will have it regulated as is alcohol and tobacco.
- Bruce Young – We want to have feedback from the community on the effects on the placements and traffic pattern surrounding dispensaries and retail marijuana establishments.
- Vanessa Zaehring – What is the impact on doing a moratorium if surrounding towns don’t have a moratorium and thus Montague might loose the financial benefit as other towns benefit.
- Bob Obear –The Planning Board framed the marijuana medical regulations very well and we could amend those regulations to include retail establishments.
- Elizabeth Irving – we have three choices 1. Moratorium, 2. Do nothing or 3. Zone change and the time needed to make those changes (3-6 months).
- Gill Montague School Partnership – wrote a letter to the Planning Board in favor of a moratorium. Walter summarized the letter and placed it in the file.
- Walter stated the towns that have passed a Recreational Marijuana Moratoriums are as follows: Conway, Shelburne, Bernardston, Amherst, Hadley and Greenfield. The towns of Northfield and Deerfield – have moratoriums pending

*Bob Obear made a **motion** to close the Public Hearing for ZC #2017-04 Recreational Marijuana. Seconded by Bruce Young, **motion approved unanimously.***

### **Public Hearing Closed at 8:02 PM**

*Bob Obear made a **motion** to initiate a petition to the Selectboard to allow Recreational Marijuana by Special Permit in Central Business, General Business, Historic Industrial, and Industrial. Seconded by Bruce Young, **motion approved unanimously.***

- **Approval Not Required ANR#2017-06 filed by Samuel Lovejoy.** Applicant seeks endorsement that a revised survey of assessor's parcel 52-0-145 (off Ripley Rd) is not a subdivision because the plan does not show a division of land.

This is a parcel of land that has no road frontage and is considered a forestry parcel of 18.85 acres which is to be sold to the state and then be added to the Montague State Forest.

When the survey was done for the work, there was a discrepancy found on the boundary line. The surveyor updated the boundary line on the south side which cleans up the previous "bad" survey. There are no lots or subdivisions being created.

*George Cooke made a **motion** to approve ANR #2017-06 filed by Samuel Lovejoy. Seconded by Bob Obear, **motion approved unanimously.***

- **Zoning Project:** Planner reported on-going work to update zoning bylaws

**-Agricultural Forestry:**

The Agricultural Forestry District – the goal is to protect land in town and increase the suggested minimum lot size to 1 acre.

Most of the area around the Randall Wood Drive and Winthrop Street Subdivision is now zoned (AF) Agricultural Forest the proposal is rezoning these dense residential areas to (RS) Residential zoning which ½ acre zoning thus is keeping them from becoming non-conforming.

According to the Building Inspector they are non conforming because they have access to sewer and water and you can't put sewer and water on a ½ acre lots.

**-Dimensional Tables:**

Reduce the Residential Zoning District from 150 feet to 100 feet for frontage since most applicants are looking to reduce it through the special permit process.

Walter is proposing a RS-2 designation in the areas of dense development in the Patch and Lake Pleasant to loosen up the setbacks and frontage requirements due to the reality of areas.

Building Height definition: Walter is back to considering building height to be measured by feet and to increase the height of buildings in general business to 36 feet.

Rear Yard Set Back: Relief from the 30 feet rear yard set back to reduce down to 15 feet no matter what district you are in.

Non-Residential uses do not have any minimum frontages or lot sizes in the bylaws. Walter would like to put in some minimums going forward.

*Fred Bowman made a **motion** at 8:27PM to adjourn the meeting. Seconded by Bob Obear. **Motion passed.***

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_