

# Montague Planning Board

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**December 19, 2017 6:30 PM**

Town Hall – Second Floor Meeting Room

One Avenue A

Turners Falls, MA 01376

## MEETING MINUTES

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

**Members Absent:** Ron Sicard

**Staff Present:** Walter Ramsey-Town Planner, Kaitlyn Young, Planning Intern, David Jensen, Inspector of Buildings

Fred Bowman opened the meeting at 6:40 PM. and stated that the meeting was being recorded.

### Approval of Minutes:

*Bruce Young made a motion to accept the November 28, 2017 minutes. Seconded by Fred Bowman, motion approved unanimously.*

### Zoning Workshop: Proposed Bylaw for Marijuana Establishments:

Walter drafted a bylaw amendment using Montague's current Medical Marijuana bylaw as a model. These are also informed based on bylaws that have been proposed in Amherst and Easthampton.

George Cooke asked if towns are mirroring their establishment bylaws to their medical marijuana bylaws? Walter responded that the other towns are doing all sorts of things including defining separate uses and some the medical marijuana bylaws are being left in place and other towns are replacing it with the establishments.

Walter is proposing to come up with a new definition called registered marijuana establishments to cover all establishments licensed by the state of Massachusetts from retail to manufacturing. There needs to be some flexibility and thought given to location of the businesses within Montague. In particular, marijuana cultivation locations would not be allowed in Central Business but allowed in other districts.

Fred Bowman asked if a marijuana cultivation business could be located in an Agricultural district. Walter's best guess is that the State would not allow outdoor cultivation, thus it will be more of an industrial type use. It is clear in the State language that marijuana cultivation will not meet the Chapter 40A exemption for agriculture. It is being seen as more of an Industrial Industry than and Agricultural Business.

### **Discussions of the standards and conditions in the draft bylaws**

Elizabeth Irving asked how the standard of no establishments within 200 feet would impact a home daycare situation. It was stated that the State will definitely have some sort of threshold for this situation. Bruce Young suggested that each of Registered Marijuana Establishments within 200 feet of buildings that house children must have educational literature provided for their students. This could be negotiated through a host community and maybe we should eliminate this.

Walter Ramsey wanted to know if the Board felt inclined to limit the amount of retail establishments within Montague. We already know that Montague won't be able to reduce the number of establishment that are allowed by state law (1 One). Bob Obear stated that the market will correct and most folks will do their due diligence if they are going to open up a business. The Board was not inclined to establish a maximum limit.

In terms of the cultivation & manufacturing process having to be indoors what about farming? It was noted that indoor cultivation is completely different and is more hydroponic and managed by chemicals. While this part of the state it lends itself to the outdoors and the farming aspect of it being organic. It might be more of an issue of security; Fred Bowman pointed out that a building helps to contain the product and protect it in a way the outdoors cannot. Elizabeth Irving mentioned that when the sun hits a marijuana leaf that it does give off an odor. Bob Obear mentioned that farms don't have any regulations regarding odors. The state has not deemed that this is agriculture industry so far. David Jensen wants to know if this needs to happen or should we wait for the state to give out guidelines. Fred Bowman would like to see something on the books that gives us some guideline which a special permit process will do.

Walter will clarify the MGL list of odors for the group and will share in the future. The Board of Health regulates Chapter 111 so Walter will eliminate the reference from the current draft. The Planning Board should have some control and be able to state that various odor controls should be in place.

Discussions continued about signage, hours of operation (proposal to follow package store hours) along with the limiting permits to the current applicant and afterwards the permit would expire.

In doing a public hearing going forward the Planning Board will have to stay on topic and steer folks back from other aspects of marijuana plans as the focus is preparing a planning document (bylaw) and that we are not talking about cafes etc.

Town meeting will be on February 15, 2018 there will be a vote on the tax that will accompany the bylaw at this meeting. A public hearing is also scheduled to be held on January 23, 2018.

*Bob Obear made a **motion** to initiate the zoning petition with the changes as discussed to be presented at the next Board of Selectmen's meeting in January. Seconded by, Bruce Young. **Motion passed.***

### **Proposed Zoning Map Updates:**

Walter is proposing to eliminate the zoning districts of: Public, Semi-Public, Educational, Recreational and Unrestricted. The proposal is to re-zone them into the area that surrounds them currently. An example of this is all the churches that have recently closed and the board has re-zoned them to match the areas they are in.

### **Review 2018 Meeting Calendar:**

Tabled till January meeting per Fred Bowman.

*Fred Bowman made a **motion** at 8:25PM to adjourn the meeting. Seconded by Bob Obear. **Motion passed.***

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

### **Materials:**

- November 28 Minutes
- Draft of Marijuana Establishments
- Zoning Map Updates
- Proposed 2018 Meeting Calendar