

Montague Planning Board

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January 23, 2018 7:00 PM

Town Hall – Second Floor Meeting Room
One Avenue A
Turners Falls, MA 01376

MEETING MINUTES

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

Members Absent: none

Staff Present: Walter Ramsey-Town Planner & Kaitlin Young- Planning Intern

Ron Sicard opened the meeting at 7:00 PM. and stated that the meeting was being recorded by MCTV.

Approval of Minutes: December 19, 2017

Motion by Bruce Young to approve the December 19, 2017 minutes as presented. Seconded by Bob Obear. All approved.

PUBLIC HEARING- Proposed amendment to zoning bylaws – licensed marijuana establishments

The Montague Planning Board will hold a public hearing to consider a petition to amend the Montague Zoning Bylaws pertaining to the regulation of licensed marijuana establishments. The proposed amendment would replace existing bylaws for registered (medical) marijuana dispensaries in section 7.10 with regulations permitting marijuana retail, cultivation, processing, research, and testing by special permit in certain zoning districts.

Guests: Seth Rutherford – CNS Scientific, Jason Campbell, Madison St. Marie, Tyranna Daniel Lionheart – Community Action Youth Programs, Kara McLaughlin – Gill Montague Community School Partnership, Gina McNeely, Health Director, Reynolds Graves – Rasky Partners, Inc., Tony Diemand and others.

Walter Ramsey presented an overview of the proposed bylaw changes. Originally the Planning Board was going to consider a moratorium on marijuana businesses till the end of 2018, but the state Cannabis Control Commission issued draft regulations on December 21 giving the Planning Board time to amend the bylaws based on what was presented in the draft. Marijuana establishments may apply for licenses beginning April 1. The Zoning Board of Appeals will be the special permit granting authority for all marijuana establishments, with exception that the Planning Board is the permit granting authority in the Industrial District.

The amendment now combines marijuana establishments into allowed uses for existing zones. Some examples of this would be that marijuana cultivation will be allowed in AF – Agriculture-Forestry districts but marijuana retailers would be only allowed in CB – Central Business by special permit. There current proposed bylaws would permit marijuana retail businesses as an accessory use to cultivation or production in the IND - Industrial District.

Walter Ramsey reported that Town Counsel has reviewed the bylaw and some of their comments have been incorporated into the final draft. Counsel recommends some changes to the definitions to be consistent with the states definition and they recommend adding a definition for “treatment center” which is a vertically integrated process.

Ramsey also reported that Acting Police Chief Bonnett had reviewed the bylaws and he recommends increasing the buffer from school zones from 100 to 300 feet to be consisted with other state and federal law. The Franklin County Technical School is the only premise that would be potentially affected by this part of the bylaw because all other schools are in or abut zoning districts that would not allow marijuana establishments. Board of Health Director Gina McNeely was present and supported the increase from 100 feet to 300 feet.

Seth Rutherford from CNS Scientific made a statement that his recreational marijuana company has interest in the former Hallmark Institute of Photography Imaging building in the Industrial Park. CNS Scientific would be focused on the cultivation, manufacturing and retail aspects of marijuana.

Jason Campbell/Turners Falls Resident – asked if the CNS Scientific proposal would not be allowed due to the location of the Hallmark Buildings being within 300 feet of the signage for the Franklin County Technical School. Walter responded that the land the sign is on is not owned by the school so there would be no restrictions. Jason stated that he wants to also remind folks that if you get caught you will lose your license along with there being a 20% retail tax compared with marijuana on the black market. Jason Campbell praised the Planning Board for be open minded regarding these issues and being ahead of the curve.

Madison St. Marie – had a concern regarding having marijuana establishment is the canal area might present a “safety risk.” Walter feels that the buildings in the canal district would be secure for marijuana cultivation but that having/allowing a retail establishment there would have to be thought about very carefully. Bob Obear responded that the facilities will be regulated through the state with certain standards that will have to be complied with. Walter added that the mill district has been studied for cultivation potential due to the safety issues with limited access points and the ability to secure the area. Madison St Marie is a high school upperclassman at Turner's Falls High School. Her second comment was a concern about the amount of marijuana use among the students in the school already, and that the amount would increase when recreational marijuana was available for adult use in her community.

Tyanna Daniel Lionheart/Community Action Youth Programs - has a concern regarding how we protect the youth in our community with emphasis to the low-income residents in subsidized housing in downtown Turners Falls, commenting that if folks are caught smoking marijuana can be evicted. Ms. Lionheart feels that increased access to marijuana could “devastate” this portion of the population. She was also surprised by the 100 foot minimum distance between marijuana establishments and schools; she is in favor of the new 300 foot minimum and also supportive of the default of 500 foot buffer given by the state.

Kara McLaughlin/Gill-Montague Community School Partnership – Would like the board to consider the research that is available regarding frequent exposure to marijuana establishments, such as the one proposed near FCTS is an increase risk for teenagers. She feels it makes sense to protect our youth and there should be buffer zones to reduce daily exposure. She is concerned about normalization. She is in favor of a moratorium. Bob Obear responded by saying he is a father of 4 kids and understands Kara’s concern, however he does not have a problem with a nondescript building that conducts business inside. It should not matter the proximity to a school as folks drive and walk by buildings everyday not necessarily aware of what goes on inside. The Technical School is in an industrial park.

Discussion continued regarding who would be the enforcing agent of the section of the bylaws prohibiting odors which are deemed to be obnoxious, or cause a nuisance, or impair public comfort and convenience. This enforcement would fall to the Board of Health, and Director Gina McNeely. Bruce Young asked if we have the proper equipment to identify this and can we build permit fees into the budget for this? Gina McNeely said that it is not hard to test for the marijuana residue but that it is very subjective to test for fine odors. It would be investigated under the Board of Health's nuisance regulations. Gina McNeely added that she supports the 300 feet buffer zone that Kara touch on and encouraged everyone to read the 107 pages of the marijuana regulations.

Jeff Singleton – Wanted to know how to regulate farm stands in AF. Farm stands are allowed and do not need permits unless the food is processed then a permit is required. As the bylaws are written the farm stands would not be allowed to sell marijuana. Walter Ramsey clarified that the State would expressly not license roadside farm stands to sell marijuana. Regardless, such as land use would not be permit table under the proposed bylaws.

Jeff Singleton added to the conversation surrounding the taxing of marijuana which is as follows: The State has a 6.5% sales tax with the addition of a 10.5% Excise tax and then there is a local option of 3% for a total tax of 20%. The local option will have to be on the Town warrant and be voted on at town meeting in February 2018.

Next steps: The proposed bylaw will go before the Selectmen on January 29, 2018 for placement of the town meeting warrant on February 15, 2018.

Motion by Fred Bowman to close the Public Hearing at 8:08 PM Seconded by Bob Obear. **All approved.**

Ron Sicard declared the public hearing closed at 8:08 PM

Discussion: Based on the feedback the Board, agreed on the following points

- A) that 300 foot buffer from school was appropriate per staff and community concerns
- B) defining "treatment center" as its owns use is appropriate, per counsel's comments
- C) That retail marijuana should only be allowed in the Industrial District if it is accessory to a cultivation or production use.

Motion by Bruce Young to recommend that town meeting to vote in favor of the amended marijuana establishment zoning bylaws as presented on January 23, 2018. Seconded by Bob Obear. **All approved.**

Planner's Report

Progress report on zoning map and text updates

Tabled for discussion at next meeting

Preview of 2018 Planning Board priorities and work plan

Tabled for discussion at next meeting

Motion by Fred Bowman to adjourn the Planning Board at 8:40 PM Seconded by Bob Obear. **All approved.**

Approved by: _____ Date: _____