



Office of
THE PLANNING BOARD
272 Main Street
Townsend, Massachusetts 01469

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FEB 12 2019
TOWN OF TOWNSEND
TOWN CLERK

Lance J. McNally, Chairman

Veronica Kell, Clerk

Charles Sexton-Diranian, member

Laura Shifrin, Vice Chair

Jerrilyn T. Bozicas, member

Planning Board Meeting minutes
Wednesday December 12, 2018, at 6:15 PM
Townsend Memorial Hall,
272 Main Street, Townsend, MA 01469

Chairman McNally opened the public meeting and public hearing at 6:30 p.m.

Roll call: Charles Sexton-Diranian (CSD), Laura Shifrin (LS), Lance McNally (LM) Veronica Kell (VK)

Also present: Attorney Adam Costa, Town Counsel, Recording secretary: Veronica Kell, Planning Board Clerk

Public Hearing – Recreational Marijuana Establishment (RMJ) Zoning Proposal

Chairman McNally (LM) read the legal notice and opened the public hearing at 6:30 p.m. Approximately 38 members of the public were in attendance. He then read the proposed introductory statement/report prepared to introduce Special Town Meeting (12/20/18) Warrant Articles #29 & #30. Said Warrant articles are proposed for continuing the process of local regulation of adult use recreational marijuana for the Town of Townsend. The statement/report outlined the importance of the process of local regulation of adult use recreational marijuana and that the decisions with respect to such should be made by the citizens of Townsend. The document further described a flow chart and timeline for regulatory action including citizen's decision on the following: 1.) 12/20/18 STM Warrant article #29 extending the temporary moratorium, 2.) 12/20/18 STM Warrant article #30 the proposed recreational marijuana establishment zoning bylaw 3.) A future ballot question at the 2019 annual town election to prohibit or restrict recreational marijuana establishments and 4.) 2019 Annual Town meeting vote depending on the results of previous citizen regulatory decisions. He continued to read a letter aloud from a concerned citizen received on 12/11/18 by the Townsend Planning Board. (The Board). The public question and comment period began. The first citizen asked if both recreational marijuana regulatory Articles #29 & #30 may be taken out of order on the STM warrant and moved to the beginning of STM. The town moderator replied a motion can be made on town meeting floor to take said articles out of order. The process involves a written motion and, is approved by a majority vote of the public body in favor thereof.

Comments received from a concerned citizen on the adult use RMJ establishments Zoning Proposal next included including an age limit, co-locating with medical marijuana establishments, prohibiting advertising of delivery, prohibition of greenhouses, addition of hours of operation, addition of security cameras. The Host Community Agreement was stated to be the document that incorporates negotiations regarding the points raised. Additional comments from public included a concern that the zoning bylaw as proposed may be a ban and is too restrictive of potential locus sites for adult use recreational marijuana establishments. A suggestion was made that retail establishments offering alcohol and recreational marijuana could be zoned together. Response included the fact that this proposed adult use RMJ zoning bylaw is similar to the medical marijuana bylaw which was approved by the Attorney General. Since this zoning bylaw has the same restrictions, the expectation is that there would be no issue. The changes between this zoning bylaw and the medical marijuana bylaw being; expanding Kindergarten to Pre-kindergarten and we define the areas where children congregate. The wording regarding where children congregate was provided by Town Counsel and reduces ambiguity. When the bylaw is applied to the

zoning map there are areas where establishments can be placed. Town counsel opined that in his review he does not perceive the subject zoning bylaw before us to be an effective prohibition. Question was posed as to the status of adult use RMJ regulatory process in other towns that have a ban. Town counsel stated that at over 60 Annual town meetings in the spring there are many partial bans. Townsend can vote for a prohibition or a partial prohibition with a simple majority YES vote at the ballot box, followed by a 2/3 in favor of vote for a zoning bylaw at town meeting. Neighboring towns of Groton and Lunenburg are both tailoring their local adult use recreational marijuana regulations by proposing and passing partial bans and presenting citizens with a ballot vote. Board of Health member expressed he is not in favor of allowing a ballot vote or distributing recreational marijuana and would like a proposal to be before the Board of Health. Another commented that the town must protect the children, and supports the strategy put forth by the Planning board and further is not in favor of combining Alcohol and adult use RMJ establishments and further reminds the hearing that adult use RMJ is federally prohibited. A citizen warned that the language presented in the bylaw and the warrant articles put forth at STM should be very clear so as not to confuse voters who may not vote or reject 12/20/18 STM Articles #29 & #30. A citizen stated that Ashby is in the permitting process for adult use RMJ cultivation and retail on Fitchburg road. Fitchburg has five adult use RMJ establishments in the permitting process. They continued to state that thus far some communities that have adult use RMJ establishments operating see earnings of \$2 MIL and they're communities receive 3% through taxation and concluded that allowing adult use RMJ establishments is an important financial consideration for the Town. Tax revenues were discussed and town counsel explained that towns have a couple options; through the host agreement there can be a percentage of the 3% allocated to the town for up to 5 years for costs incurred. After 5 years towns can adopt a tax up to 3% of gross revenue to be deposited into the Town's general fund. Further he explained that if establishments are operating in other towns, it does not affect Townsend's revenue from the State. A question was asked about the allowable limit granted on the moratorium. Town counsel confirmed that indeed moratorium must end at some point as has been seen in recent decisions from the Attorney General. He explained that the purpose of the moratorium is to allow a community to engage in a planning process. It is up to the Town requesting a moratorium to show evidence of on-going work and formulation of policy during the moratorium period. The Moratorium endpoint will depend on the decision issued by the attorney general and their analysis of the events and actions the Town has conducted in support of formulating regulations. Another resident with 43 years of law enforcement experience is concerned with potential public safety impacts of driving under the influence of marijuana, and foresees issues of public safety because there is currently no test for drivers on location. Additional concerns include the fact that the adult use RMJ establishments utilize legal tender and appropriately securing such can be a public safety concern. The potential for re-selling cannabis with added components was expressed as a concern. A resident spoke in favor of being prepared for the arrival of the adult use RMJ establishments and businesses by having solid zoning in place and proposes the Town could benefit from the revenue. They noted that the Town could require that the adult use RMJ establishments fund rehabilitation services. Final discussion was had regarding the Host Community agreement and how this will be formulated. The Board of Selectmen will create the documents on a case-by-case basis as part of the permitting process with applicants. The Board of Selectmen has the opportunity therein to incorporate details such as requiring rehabilitation funding, additional law enforcement personnel funding, and security upgrade funding, and more. Town Counsel explained that in the event that all planning fails at the local level and the Town is dependent upon the State regulations, the Community Host Agreement becomes a very important regulatory tool. It is, he emphasizes, at the discretion of the elected officials specifically the Board of Selectmen to negotiate, and approve this agreement with the applicant. He further explained that the Community Host agreement is a requirement per state law, and can be used to supplement the local regulatory zoning bylaw as well. He states the best course for the Town is either to adopt zoning bylaws and then regulate the substance or to prohibit it rather than rely on the community host agreement, however it is a bit of a failsafe.

Chairman McNally thanked the public for attending and emphasized the planning board intent of keeping the community involved in this important adult use recreational marijuana local regulatory process and therefore is proposing both the extension of the temporary moratorium and the zoning bylaw at Special Town Meeting on December 20, 2018.

Charles Sexton-Diranian motioned to close the public hearing and adjourn the meeting at 7:55 p.m. Veronica Kell seconded. All in favor.

Townsend Planning board DRAFT minutes December 12, 2018

Documents on File:

1. Legal notice of Public Hearing
2. Introductory statement/report for Article 29 & 30 to be read at 12-12-18 STM.
3. Letter from Kimberley Greenough
4. Public hearing sign-in sheet
5. Meeting agenda 12-12-18 Townsend Planning Board
6. §145-89 Recreational Marijuana Establishment Zoning Proposal
7. Town of Townsend The Commonwealth of Massachusetts December 20, 2018 Special Town Meeting warrant
8. §149-89 Temporary Moratorium on Recreational Marijuana Establishments
9. Online video at the following link: <https://youtu.be/ViK2GsYAjEU>

Approved on: February 11, 2019