Shutesbury Planning Board Meeting Minutes
January 28, 2019 Shutesbury Town Hall

<u>Planning Board members present</u>: Deacon Bonnar/Chair, Jeff Lacy, Steve Bressler, Robert
Raymond and Michael DeChiara
<u>Planning Board members absent</u>: Linda Rotondi and Jim Aaron
<u>Staff present</u>: Linda Avis Scott/Land Use Clerk

<u>Guests</u>: Sanford Lewis, Julia Agron, Don Wakoluk and Mary Lou Conca/Sustainable Cannabis
Development Committee

Bonnar calls the meeting to order at 7:37pm.

<u>Public Comment</u>: None offered.

<u>Consider Regulation of Marijuana Establishments</u>: Sanford Lewis offers the concept of setting a
level for modest growing in the community in the first iteration of the bylaw; notes the need to
understand how the 10% of equity will work. DeChiara: once a bylaw is passed it is not revisited
for some time, perhaps ten years; Lewis may be thinking of a different approach, i.e. revisiting
the bylaw in two-three years. Bonnar, referring to the need for bylaw revisions, notes that
people's opinions change and the Board can make mistakes. Lewis recommends keeping things
on a sustainable scale. Bonnar: we are not even sure, at this point, if "tier" is the approach for
describing establishment size; given how onerous the State regulations are, the Board may be
seeking how to relax them.
Members of the Board and the Sustainable Cannabis Development Committee review the current
draft of the "Marijuana Zoning Bylaw" as developed by DeChiara with edits by Lacy.
<u>Section x.1</u>: All agree to delete "may" from "*where children may congregate*."
<u>Section x.2</u>: Include "*Permit Granting Authority*" for those instances where the situation requires
a variance or site plan review. The need for a waiver clause is considered. Lacy: a waiver clause
allows the Board to act appropriately in special cases. DeChiara shares his 1.28.19 email that
includes a selection of general waiver clauses used by other towns. Lacy recommends building
waiver clauses into certain sections of the bylaw rather than using a general waiver.
<u>Section x.3</u>: All agree to use the FRCOG/Cannabis Control Commission definition of
"Marijuana Establishment". All agree to eliminate "*with no concrete flooring*" from the
"Greenhouse" definition.
<u>Section x.4 B</u>: Per DeChiara: FRCOG used 500'; the distance could be tweaked for different
types of establishments. Julia Agron: does the Town specify distances from establishments
selling alcohol? Don Wakoluk: Police Chief Dan Fernandes would like to see a 500-foot distance
from the Town Hall, Fire Department and park; Fernandes stated he would consider proposed
marijuana establishments on a case by case basis during the Host Community Agreement
process. Raymond and Bressler note that with the removal of "State-approved day care" from B,
the Shutesbury Elementary School is currently the only school site. Bressler recommends
keeping the 500-foot distance and notes that the Board should not make distance related
decisions based on specific property owners; there should be no preferential treatment. Bonnar:
as suggested by Agron, the Board needs to find out about the rules relative to the sale of alcohol.
All agree to delete "*State-approved day care center*".

Section x.4 C: DeChiara and Raymond suggest striking this section. All agree to delete "*C. Marijuana establishments shall not be located within 500 feet from any public recreation area or park measured in a straight line, without regard to intervening structures, from the closest property line of the recreation area to the property line for the Marijuana Establishment*". Section x.4 D becomes Section x.4 C.

Section x.4 D (becomes C): Bonnar considers the 500-foot distance too stringent. Lacy: this section takes proximity to abutters into consideration. Agron: striking the 500-foot distance does not take away the ability to control lighting, security and traffic. Lacy: the range of what can be considered an establishment is broad. DeChiara: we could consider the distance by function. Lacy: a proposal could be eligible for the waiver provision; suggests adjusting the distance down. Bonnar: the distance ought to be less than the frontage requirement. All agree with Lacy's addition of "*growing area*" to indicate the full constellation of what an establishment might include. All agree to come back to the discussion about distance; Bressler and Raymond suggest 250 feet.

Section x.5 C "Site Screening": Lacy notes that when the abutting property is vacant, screening is of less concern. Raymond: home-grower's plants cannot be visible from the street; suggests that for a marijuana growing establishment, the grow area not be visible to the naked eye. Lacy: to some extent, in-zoning is acceptable – if one is there first, the next lot acts per what is already in place. Agron: it is unlikely there will be a fleet of trucks requiring screening. Bressler, noting that there may be establishments that require screening, suggests "transport" be removed from this section. Bonnar recommends removing the specifics and leaving the need for appropriate screening up to the permitting board. Bressler: the permit granting authority would have to set conditions for screening. Raymond states that he is unsure about the need for screening cultivation; suggests "any cultivation visible to neighbors requires screening". Lacy: cultivation could potentially be considered a nuisance; in addition to fencing, there are lighting and surveillance requirements. Bonnar: fencing's purpose is to prevent access. Wakoluk: an establishment may be a greenhouse using lighting twenty-four hours/day. Bressler recommends removing transport and maintaining site screening requirements for other establishments. Lacy, noting that there have been situations where transport has been an issue in town, recommends leaving transport in. Bonnar: leave transport in for now. All agree to change "shall" to "may" in the second sentence: "*Screening 'may' be by...*" and to add "*, or other method as determined by the SPGA/PGA*".

Section x.5 D "Lighting & Security": DeChiara: the State regulations focus on the need for security rather than requiring specific lighting. Bressler notes that some security cameras do not require light to function. Agron: alarm systems can be used to protect the asset. DeChiara: the issue is what type of security is needed for a particular operation. Bressler: we are trying to discourage highly lit areas. Wakoluk restates that greenhouse lights could be left on twenty-four hours/day; recommends "*Additional security features recommended by the Shutesbury Police Department shall be installed and maintained*" be eliminated because there will time for the Police Chief to review applications during the Host Community Agreement process. Bonnar suggests sending the Police Chief a draft of the "Marijuana Zoning Bylaw". Approved changes: The first sentence now reads "*to function with minimum 'to no' lighting at night*"; delete "*Energy efficient...light pollution*" and "*Additional security...maintained*".

Section x.6 "Energy Efficiency": Lewis recommends making Tier 1 and 2 exempt from the entire section. All agree to add "*Except for Tiers 1 and 2*" to the beginning of the second sentence.

At this point in the meeting, all agree to continue considering the draft bylaw to a future meeting.

Review List of Possible Bylaw Amendments:
Lacy reports that Mass Department of Agricultural Resources is okay with the proposed language regarding the keeping of livestock in the Lake Wyola district. This topic will be carried over to the next meeting.

DeChiara moves to approve the 1.14.19 Planning Board meeting minutes; Lacy seconds the motion; the minutes are unanimously approved as amended.

At 9:29pm, DeChiara moves and Lacy seconds a motion to adjourn the meeting; motion passes unanimously.

Documents and Other Items Used at the Meeting:
1. 1.7.19 Draft Marijuana Zoning Bylaw
2. Draft Proposed Use Tables "Marijuana Only Version" and "Marijuana & Hemp Version"
3. 1.28.19 DeChiara email regarding sample waiver provisions

Respectfully submitted,
Linda Avis Scott
Land Use Clerk