

Planning Board Meeting Minutes

3/8/2021

Board Members

Present: Casey Campetti, Chuck Walkovich, Jennifer Gingras, Joyce Morrow, Paul Lonergan, Al Patenaude

Absent: Lisa Davis, Planning Consultant

Staff: Cheryl Lutzca, Administrative Assistant

Guests: Mark Matthews, Maureen Bolger, Elizabeth Faxon, Paula Terrasi

1. Call to Order

The meeting was called to order by Chair Campetti at 6:00PM

Mx. Campetti then recused herself from this Public Hearing and assigned Mr. Walkovich as Interim Chair for the discussion.

3) 6:00 pm – Public Hearing – Recreational Marijuana Zoning Bylaw Amendment – Proposed Amendment to Section 6600 of the Zoning Bylaw, Adult Use Recreational Marijuana Establishments. The Proposed Amendments Would Revise Subsection 6640(5a) and Section 6650 To Set Limits on The Number of Marijuana Retailers at A Maximum of Two Establishments.

The Public Hearing was called to order by Interim Chair Mr. Walkovich at 6:02pm. He stated the purpose of the Public Hearing as approving an Amendment to the current zoning bylaw for Marijuana establishments in order to clarify some sections; i.e., the number of establishments set by the State for our Town.

Ms. Morrow read the summary of the Public Notice into the record:

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 5, the Pepperell Planning Board will hold a public hearing on Monday, March 8, 2021 at 6:00PM on proposed amendments to Section 6600 of the Zoning Bylaw, Adult Use Recreational Marijuana Establishments. The proposed amendment would revise subsection 6640.5a) and section 6650 to set the limit on the number of marijuana retailers at a maximum of two establishments. The public hearing will be held remotely, the link for the meeting is: <https://global.gotomeeting.com/join/718992749> or by dial in, 1 (408) 650-3123. The access code for the meeting is: 718-992-749. All interested parties are invited to remotely attend the public hearing and provide oral and/or written comments to the Planning Board. Written comments must be submitted on or before March 3, 2021. The proposed bylaw amendments may be reviewed on the Town's website at <https://town.pepperell.ma.us/424/Zoning-Articles>

PEPPERELL PLANNING BOARD To publish in the Nashoba Valley Voice on February 19, 2021 and February 26, 2021

Mr. Walkovich asked if there had been any official Board/Committee comments received. Seeing as there were none, the Planning Board began its discussion. Mr. Patenaude stated that

the initial Bylaw was designed to follow the bylaw for alcohol establishments as a baseline, noting that the Board thought two establishments would be permitted. Mr. Patenaude mentioned that the Board was hoping to enhance competition between establishments.

Mr. Walkovich opened the discussion to the General Public after no additional Board comments were evident.

Maureen Bolger, 50A Mt. Lebanon Street, asked why we would need two establishments so close to each other. Mr. Patenaude noted that there are limited commercial spaces within this zoning district and that the Board did not make proximity a regulation for alcohol establishments in the original bylaw. The Board was following all State regulations and was staying within the zoning parameters. He also commented that the concept of competition was to be fair to the public. Ms. Bolger then commented that the Town Administrator had been in touch with the second establishment, and that these applicants were renting space and that we might be sued if the applicant is not approved. Mr. Patenaude stated that the Board was asked to review the application for the second Special Permit only. Ms. Bolger also said that the Town Administrator mentioned extra income from the establishments and if that is accurate, then competition would lower prices and the Town would receive less income. Mr. Walkovich stated that the Town Administrator was not at this Public Hearing and he could not speak for him, but the financial implications of two establishments was not the purview of the Planning Board.

Ms. Bolger, 50A Mt. Lebanon Street, asked why the bylaw is wrong? Mr. Walkovich explained that it was a misinterpretation on the Planning Board as to how many permits could be granted.

Elizabeth Faxon, 40 High, Street commented that she agreed with Ms. Bolger and wanted to be on record as opposing the Amendment. She felt that the competition argument was not valid, and the second marijuana establishment was not a potential social benefit as it sells to a specific age group. She referenced the Master Plan chapter on recommended businesses and the marijuana establishment was not one of those recommended. If a second establishment is approved, it should be located in the industrial area.

Paula Terrasi noted that all this could have been avoided had the Planning Board consulted with the Building Inspector regarding the Zoning Bylaw and this calculation error would not have occurred.

Ms. Bolger, 50A Mt. Lebanon Street, commented that she agreed with Ms. Faxon and felt that the competition would not benefit the Town because revenues would be reduced.

Mr. Patenaude noted that this Public Hearing is not to review revenue, but to discuss the permitting process as compared to the alcohol permits already in force, while meeting State regulations.

Ms. Faxon, 40 High Street, commented about similar towns and how many establishments they had. She implored the Planning Board to read page 95 of the Master Plan recommendations.

Ms. Bolger, 50A Mt. Lebanon Street, asked why this calculation was not corrected prior to the Town Meeting years ago. Mr. Walkovich stated that they found out the error after the fact.

Ms. Faxon, 40 High Street, asked why the Planning Board could review a second application for a Special Permit if the first was approved. Mr. Patenaude explained the process for Special Permits and noted that neither of the applications had been approved by the Select Board, which is the final authority.

Mr. Walkovich asked if there were any other Public questions. None were forthcoming so he asked for a motion to close the Public Hearing. Mr. Patenaude so moved, seconded by Ms. Morrow. All in favor. The Public Hearing was closed at 6:36pm.

Mr. Patenaude commented that he understood the frustration of the public and feels the Planning Board should move this decision to the Town.

Ms. Morrow stated that the Cannabis Control Commission carefully monitors all establishments and ensures they are following strict standards and regulations. She felt that all revenue to the Town will be a big help and approving the Bylaw Amendment is in the best interests for the Town. Ms. Gingras agreed it would be best to approve the Bylaw Amendment.

Mr. Lonergan moved to approve the Bylaw Amendment; second by Ms. Gingras. Motion was unanimously approved per Roll Call Vote:

Paul J. Lonergan – Aye

Al Patenaude – Aye

Joyce Morrow – Aye

Jennifer Gingras – Aye

Chuck Walkovich – Aye

Mx. Campetti returned to the meeting as Chair commenting that this was the only Agenda item. She called for a motion to adjourn.

Future Meeting(s)

a. March 15, 2021

b. April 5, 2021

The meeting was adjourned at 6:40p.m. by motion from Mr. Patenaude, seconded by Mr. Walkovich. All in favor

Respectfully submitted by Joan Ladik