



Planning Board
Meeting Minutes

Board Members

Rick McHugh, Chuck Walkovich, Paul Lonergan, Mike Dapcic, Casey Campetti
Al Patenaude (Absent)

Staff

Lisa Davis, AICP; Brynn Montesanti, Administrative Assistant

Attendees

See attached attendance sheet

3/11/2019 - Minutes

1. Call To Order

Mr. Dapcic called the meeting to order at 7:00PM

2. Public Hearing - 7:15PM - Recreational Marijuana Zoning Bylaw Amendment

Mr. Dapcic opens the public hearing at 7:15PM.

The purpose of this public hearing is to discuss the draft zoning bylaw amendment for recreational marijuana, the intent of the bylaw is to provide for the placement of marijuana establishments in appropriate places awhile minimizing the adverse impacts of these establishments on adjacent properties as well as regulating the siting, design and placement and securing safety monitoring of these establishments. Mr. Dapcic addresses the public stating that the Planning Board intends to protect the residents with this bylaw and at this point this is the next step in the process. Mr. Walkovich also states that it is not the intent of the Planning Board to supercede the state regulations, it is to have a bylaw in place to enact a local zoning bylaw.

Mr. Dapcic opens the floor for comments.

Renee D'Argento, 18 Prospect Street, asks the Board why they were going to allow a retail establishment in the commercial district and whether it can be restricted to just the industrial district? Mr. McHugh explains that the Board had used the guidelines of package stores in the Town as a guide to where to allow retail marijuana shops. Ms. D'Argento also inquired how Westford had an outright ban on retail marijuana shops and Pepperell is allowing it? Mr. McHugh explains that in November 2016 Westford residents voted no in the legalization of marijuana therefore they do not have to allow retail or cultivation in their Town.

Dave LaFleur, 27 Maple Street, asks the Board if there is anyway the Board could reconsider where they allow the cultivation of marijuana due to the fact that he has the perfect location on his property, it is a retired bank vault with maximum security. Mr. Dapcic explains to Mr. LaFleur that the Board can't allow it in just one residential area and he feels it would be a dangerous precedent to set, at this time the Board is only presenting cultivation to be allowed in industrial zoning.

Renee D'Argento, 18 Prospect Street, asks the Board what happens if at Town Meeting this draft bylaw gets voted down and explains that she thinks that in fact it could happen. Mr. McHugh agrees that it could happen but it would be foolish and would like to explain that this bylaw is not put in place to promote or negate the use or sale of marijuana but this bylaw protects the Town. If the Town votes this bylaw down and someone applies for a retail shop, our Select Board would have to enter a host agreement and set parameters without the deliberations and considerations that the Planning Board has gone through to get this far with this draft bylaw.

Kathy Tyler, 34 Jewett Street, asks the Board if a property owner has a commercial license to run an agricultural entity on a residential piece of property whether or not the property is eligible with this type of license to host a cultivation entity the way that this draft bylaw is written; Ms. Davis explains that the state regulations are very clear and explicit that marijuana is not an agricultural use, the state perceives this as an industrial type use, the regulations specifically states that cultivation does not fall under the agricultural exemptions.

Elizabeth Faxon, 40 High Street, email for public hearing – Ms. Faxon thanks the Board for their collective efforts to locally regulate adult use recreational marijuana, she is requesting some additional considerations which include striking or disallowing retail establishments in the commercial zone, at least initially. Also for the Board to consider allowing cultivator establishments in the Rural Residential zone so as to create opportunity for farming on land suitable and historically in agricultural use. Also she would like to see a map including areas where recreational marijuana establishments would be permitted based on the buffer zones and setbacks established in this zoning bylaw proposal and for this map to be displayed for citizens' reference prior to voting.

3. Reports/Correspondence/Discussion

a) Ms. Davis informs the Board that Ms. Montesanti and herself will be submitting an application for a Technical Assistance Grant from Mass Development for the Peter Fitzpatrick property.

b) Ms. Montesanti informs the Board that she had completed registering the municipality with MassDOT for the Complete Streets program and that it was accepted and we could anticipate forward progress soon for Tier 2 which is developing a Prioritization Plan.

c) Solar Bylaw – Ms. Davis explains to the Board that there were some further revisions to the first draft of the Solar Bylaw Zoning Amendment Draft and that it will be submitted for review to Town Counsel with the comment date by March 18, it will also be circulated throughout other necessary department Action Items Discussion Of Proposed Zoning By-Law Amendment Concerning Marijuana Establishments, Including Consideration Of Comments From Town Counsel And Any Modifications To Proposed Language. Vote If Necessary.s for comment.

d) Master Plan Webpage has been re-vamped by Ms. Montesanti to make it more informative for the residents to learn about the Master Plan Committee and their goals and progress.

4. Future Meeting

a. 3/18/19

Mr. Walkovich motions to adjourn meeting. Mr. Lonergan seconds. All in favor. Meeting adjourned at 8:26PM.

Respectfully submitted by Brynn Montesanti, Administrative Assistant to Planning Board.

