

Palmer Planning Board

Planning Board Meeting Minutes

Monday, June 25, 2018

I. Call To Order

Chairman Michael Marciniac called the meeting to order at 7:00PM on Monday, June 25, 2018, in the Town Administrative Building Meeting Room. Present were members Norm Czech, Kathy Burns, and Tom Skowrya. Paul Burns-Johnson was absent. Also present was Town Planner, Linda Leduc, and Gillian Davis recording minutes.

II. Public Hearing

7:00PM – Adult Use Marijuana Zoning Amendment

The chairman opened the moratorium public hearing at 7:00PM. Gillian Davis read the public hearing notice.

A motion to acknowledge receipt of comments from Conservation Commission Agent, Angela Panaccione, was made by N. Czech, seconded by T. Skowrya. The motion passed (4:0).

L. Leduc explained this hearing will address the deleting of §171-79 entitled “Temporary Moratorium on Recreational Establishments and Marijuana Retailers” and will add a new §171-124 entitled “Marijuana Establishments”. Further, to amend §171-62 Table of Use Regulations- Business Zones to allow retail establishments by Special Permit within the Highway Business District and to amend §171-66 – Urban Renewal Industrial Park District and §171-67 – Industrial A & B Districts to allow all other establishment uses as defined within §171-124 by Special Permit within the industrial parks.

L. Leduc reviewed the ordinance with the latest comments from Attorney Brain Falk. She explained that Attorney Falk suggested to add Registered Marijuana Dispensaries to the ordinance.

M. Marciniac added that Attorney Falk eliminated “places where children commonly congregate”. However, it was inadvertently not taken out in Section A (2). It was noted to be removed.

L. Leduc distributed, to the Board, a sheet listing the change of uses. She stated an amendment to the business zone table will be needed.

Conservation Agent, Angela Panaccione, supplied comments for this Marijuana Establishments Ordinance to the Board, to which L. Leduc supplied a response.

L. Leduc read to the Board comments received as well as, her reply.

A. Panaccione first mentioned Craft Marijuana Co-operatives, stating the Ordinance does not address such co-op. Under the Massachusetts regulations a Craft Marijuana Co-operative means a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company,

limited liability partnership, or co-operative corporation under the laws of the Commonwealth. A co-operative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers. In her comments, she continued, "Craft Cooperatives," allow growers to cultivate marijuana in up to six locations and process it in up to three locations under one license. In theory, this allows residents to get together and form a non-profit and then grow in their home residents and sell it to the stores under the co-operative license.

L. Leduc responded, Co-ops are included in C. Definitions in "Other Types of Licensed Marijuana Related Business". Any grow facility for commercial sale must be located in the Industrial Districts and any retail establishment must be located in the Highway Business district. If a Co-op is licensed to grow at home, as allowed under the state regulation (i.e. 6 or 12 plants per adult(s)), and does processing as a sole proprietor it will be difficult for the Board to regulate. Further, a Co-operative or LLC is a form of ownership and is beyond the jurisdiction of Zoning. However, if the Board would care to emphasize the fact that commercial growing and retail sales shall not occur at a residence then you could consider adding to Section F. "Marijuana Establishments, including Craft Marijuana Co-operatives, shall not be permitted as a Home Occupation, as defined under section 171-4".

It was suggested by M. Marciniac to amend the Home Occupation section to prohibit marijuana establishments.

A Panaccione questioned Marijuana as an Agricultural Commodity and growing outside. Her comment read, Under Section F. (2) of the Ordinance, does this essentially ban the outside cultivation of marijuana. Farming groups successfully lobbied the Legislature to classify marijuana as an agricultural crop, which means it is allowed to be grown anywhere other agriculture is allowed. There is still an open debate regarding whether a town has authority to ban marijuana growing through zoning.

L. Leduc replied, Section B. Applicability (2) states that Marijuana Establishments and Registered Marijuana Dispensaries are not a form of agriculture, horticulture, or floriculture for purposes of the Zoning Ordinance. This language has been approved by the Planning Board's Attorney.

In her comments, A. Panaccione, questioned since the Town is a green community, is there a way to require energy efficiency. She would recommend the Board require Marijuana Establishments to supply documentation and comply with best management practices for energy use, waste disposal, and environmental impact, and also encourage the Establishment to use renewable energy sources.

L. Leduc replied, waste disposal and environmental impacts are already reviewed by the Board through the requirements outlines in Site Plan Approval, section 171.29D (i) [2] and Special Permit C. Standards for reviewing (1) (d) and (i).

Lastly, in A. Panaccione, comments she addressed management of dangerous waste. She stated disposal records should be provided to the Board for the disposal of dangerous waste.

L. Leduc responded, hazardous wastes and their disposal are currently addressed in Site Plan application requirements section 171.29D. (i) [2] and Special Permit C. Standards for Reviewing (1) (d) and (i).

L. Leduc stated additional comments were submitted by Attorney Evans. She continued, there is much overlap between both Attorney comments.

M. Marciniac stated while there was overlap, within Section F, #12, Attorney Evans included there will be no vaping on the premises...

M. Marciniac opened to the public for comment.

Angela Panaccione, Conservation Agent, asked what if a restaurant would want to incorporate...

M. Marciniac said it would have to be in the right zone and go through the process of the Site Plan Application and Special Permit.

L. Leduc added the Cannabis Control Commission (CCC) hasn't finalized on-site consumption. When the state finalizes those regulations, the Board could then make changes the ordinance.

Matt Lemieux, Town Council Member, asked what the regulation on processing was, if it has expanded to all industrial zoning districts. He further asked why the Board did not include it in Village Center zones.

M. Marciniac replied if you want some control, by putting it in a district where the customer has to go and drive it is easier for it to be regulated. He said he doesn't know how to regulate or how the police would monitor in a zone like Village Center. He explained by giving the example of under aged people and alcohol. He said if someone walks into a liquor store and buys a pack of beer, the Police would have an easier time monitoring that than if someone under aged was passing off smaller, marijuana products. He concluded, the thought is to keep it out so consumers need to travel to the destination, hoping to mitigate underage consumption.

L. Leduc added this is the first attempt to allow it in Town and we think in the least impactful way. The Board agreed to put it in the safest places, and from there can assess and add other villages if needed.

Thomas Berset of Chicopee, representing Massachusetts Cannabis Business Network, questioned why doesn't fine adults who sell to kids and minors.

M. Marciniac replied that is not within the Board's jurisdiction but rather the Board of Health.

Barbara Barry, Town Council President, asked where the Highway Business zones are.

M. Marciniac distributed and explained zoning maps of Highway Business zones.

B. Barry further asked how the Board came up with five retail and two other types.

L. Leduc explained there are six Highway Business sections and that the numbers seemed reasonable. She continued, not knowing if there are even available spaces within districts.

B. Barry expressed concern regarding the moratorium ending July 1, 2018, before the ordinance has been approved by the Town Council. She asked the Board, would it make sense to extend the moratorium until the ordinance has been approved by the Council.

M. Marciniac stated the Board does not have anything that is unresolved within the ordinance. He continued, our ordinance is advertised which freezes the Site Plan Approval and Building Permit. L. Leduc said to extend the moratorium will just put the process back further.

Jim Russell, Springfield Republican, asked about the purpose of the moratorium.

Recommend favorable – §171-124 with minor amendment, was made by N. Czech, seconded by T. Skowrya. The motion passed (4:0).

Recommend favorable for amending Table of Uses §171-162, was made by N. Czech, seconded by K. Burns. The motion passed (4:0).

Recommend favorable for amending §171-66 – Urban Renewal Industrial Park District was made by N. Czech, seconded by K. Burns. The motion passed (4:0).

Recommend favorable for amending §171-67 – Industrial A & B Districts was made by N. Czech, seconded by K. Burns. The motion passed (4:0).

Recommend to delete current moratorium §171-79 – “Temporary Moratorium on Recreational Establishments and Marijuana Retailers” was made by N. Czech, seconded by T. Skowrya. The motion passed (4:0).

Chairman Marciniac left the meeting. Norm Czech, Vice Chairman, took over the meeting.

III. New Business

Meeting Minutes from June 18, 2018:

A motion to approve the meeting minutes as amended from June 18, 2018, was made by T. Skowrya, seconded by N. Czech. The motion passed (2:0:1) Kathy abstained.

There was no new Interest Allocation Report or any Abutting Town Notices to distribute.

IV. Old Business:

Gravel Reviews

J. Furman was absent and gravel reviews will be reviewed at the next meeting, July 9, 2018. An email was received from Jason Brown, responding to Inspection comments.

Knox Pond Construction Report:

A motion was made to acknowledge receipt of Knox Pond Construction Report #128 by T. Skowrya, seconded by K. Burns. The motion passed (3:0).

Board Member Comments:

N. Czech mentioned there seems to be a trucking business operating in a residential area, just before the railroad tracks on Main Street, Thorndike.

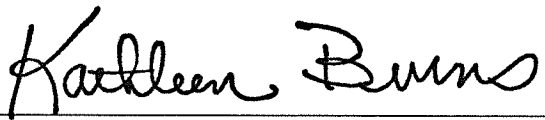
L. Leduc said she will contact Bonnie Weeks, Building Inspector/Zoning Enforcement Officer.

T. Skowrya mentioned the condition of the sidewalk along, 1605 North Main Street, and also mentioned there is supposed to be a fence along the border of Rocky's and the residential zone.

L. Leduc again, will contact Bonnie Weeks, regarding the issue.

V. Adjournment:

A motion to adjourn at 8:25PM was made by T. Skowrya, seconded by K. Burns. The motion passed (3:0).

A handwritten signature in black ink that reads "Kathleen Burns". The signature is written in a cursive style and is positioned above a horizontal line.

Kathleen Burns, Clerk