

**Board of Selectmen
August 14, 2018
Center Office Building**

Present:

Mary Blanchard, Chairman
Priscilla Gimas, Vice-Chair
(Absent) Mary Dowling, Clerk
Michael Suprenant
(Absent) Chase Kaitbenski

Also Present:

Charles Blanchard
Russell Chamberland
James Cunniff
Heather Hart
Frank McNeil
Susan Waters
Jean Bubon, Town Planner
Rebekah DeCoursey, Administrative Assistant
Nicole Constanzo, KP Law

Mr. Blanchard called the regular meeting of the Planning Board to order at 6:30 PM.

Mr. Blanchard opened the meeting read the agenda.

APPROVAL OF MINUTES

Motion: To approve the draft minutes of July 17, 2018

By: R. Chamberland

2nd: S. Waters

Discussion: None

Vote: 6-0 in favor

ANR - None

DISCUSSION - BEGIN TO REVIEW AND DISCUSS DRAFT BYLAW PROPOSAL ON ADULT USE MARIJUANA.

Ms. Bubon introduced the discussion regarding the draft proposed Zoning Bylaw for Adult Use Marijuana. A background of the process that brought us to this point:

- November 2016: Massachusetts voted to legalize the recreational use of marijuana.
- April 2017: Town voters passed a ballot question that would prohibit all non-medical commercial business related to marijuana.
- June 2017: the above prohibition question failed to receive the 2/3 vote required at Town Meeting.
- June 2017: the Town voters approved a Temporary Moratorium that expires in December 2018.
- June 2018: the prohibition question failed again at Town Meeting.

In response to the voters, this bylaw has been drafted to have a bylaw in place before the expiration of the Moratorium. The Planning Board members and the Board of Selectmen have been provided a draft of the proposed bylaw and a collection of maps created by Ms. DeCoursey showing the districts in Town where Adult Use Marijuana is proposed.

The Town currently has a Medical Marijuana Overlay District (MMOD) with limited parcels available for development. The General Industrial and Industrial Park districts also have limited parcels available for development. In drafting new zoning bylaws, it is required that a Town does not propose a use in an area that has zero or little development potential because that would essentially prohibit the use due to lack of space. Therefore, the draft bylaw proposes allowing retail Adult Use Marijuana stores in Commercial (C) district, and allow all other uses of Adult Use Marijuana (ex. testing or growing facilities) in Industrial Park, General Industrial, and MMOD districts. This proposal would keep the industrial production of marijuana in areas of similar use, and likewise keep the retail in areas of other retail use.

Motion: To allow retail Adult Use Marijuana in Commercial districts

By: J. Cunniff

2nd: R. Chamberland

Discussion: None

Vote: 4-2 in favor (H. Hart, S. Waters)

Ms. Bubon explained that a Board member asked if it would be possible to put a 500' buffer restriction on Rural Residential and Suburban Residential districts. A map was provided to the Board to show that this would extremely inhibit areas for Adult Use Marijuana. The Board was also provided a map identifying the places where children congregate such as schools, showing the 500' buffer as proposed in the bylaw.

Nicole Costanzo, town counsel from KP Law, commented to say that in respect to the state Cannabis Control Commission (CCC) regulations, the Town is allowed to limit Adult Use Marijuana establishments in town to be a portion of alcohol licenses. She will consult with CCC to determine if this is in regard to full alcohol licenses or also includes malt and wine licenses, because at this time the answer is unclear. Ms. Costanzo also stated that in regards to medical marijuana, the CCC does not prohibit a Registered Marijuana Dispensary (RMD) from converting to retail. If our RMD (Heal, Inc. at 660 Main Street – currently under construction) converts to retail before another retail store comes forward, it will be the Town's only retail store. If another retail store is established first, our RMD will be allowed to transition into retail and the Town would then have two retail stores. Ms. Gimás stated that the Host Community Agreement with Heal, Inc. is almost complete and does not allow the RMD to transition to retail until the year 2021.

The Board had the following questions, comments, and concerns:

- Will the parking requirements be the same for marijuana facilities? Yes.

- Traffic concerns were brought up. Traffic studies would be required during the Site Plan Review process once a project is brought forward to the Town. There would also be a Special Permit required.
- Asking for clarification of what is proposed in Commercial districts. It would only be Adult Use Marijuana retail stores allowed in Commercial districts. No other marijuana use would be allowed in Commercial districts.
- Has there been a market analysis done? No. That would be something a potential developer would conduct.
- How much can the bylaw limit this use? Adult Use Marijuana can be located anywhere that meets state guidelines and meets Town zoning bylaws.
- The Board discussed outdoor growing. Ms. Costanzo stated that the Town could regulate outdoor commercial cultivation of marijuana. Due to concerns with odor and safety, the Board is proposing not to allow outdoor commercial cultivation.
- The 500' buffer zone from schools and other places children congregate will be measured from the property line.
- Marijuana cultivation has been granted no agricultural exemptions under CCC regulations.
- The CCC will regulate security, type, quantity, and many other concerns that the Board members brought up.
- The Chief of Police has been provided a draft regulation of prohibiting public smoking of marijuana in Sturbridge.
- Mr. Suprenant provided the Board with his suggested edits before the meeting. They were discussed and applied as appropriate.

The next step will be to provide a final draft of the bylaw to the Planning Board at which point they will be the petitioner to the Board of Selectmen. If approved it would then be placed on the next Town Meeting Warrant. The proposed bylaw should be completed for the September Planning Board meeting, to follow at the second September Board of Selectmen meeting. The public hearing will be advertised as required.

Motion: To adjourn the meeting at 8:30 PM

By: S. Waters

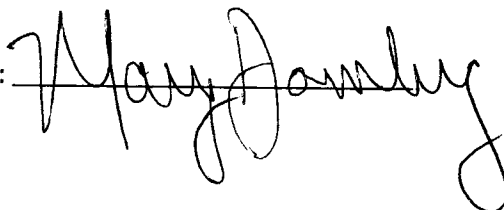
2nd: J. Cuniff

Discussion: None

Vote: 6-0 in favor

Minutes prepared by: Rebekah DeCoursey

Clerk of the Board:



Date approved:

