

Planning Board Meeting Minutes

Date: February 13, 2013

Time: 7:37pm

x	J. Hargraves		A. Pease
x	J. Lindquist	x	T. Foster
x	T. Cantor		W. Stacy (associate)

Also Attending:

- Laura Harbottle
- Jennifer Gilbert, Counsel for United Cultivation

*Alan is still out there, somewhere.*

**Approval Not Required:**

- None

**Meeting Minutes:**

- Trish moved to approve the minutes; Jim seconded; all in favor; no one opposed

**CTPC Training:**

- The training is running March 16, 2019 in Worcester; it's an all-day conference. There is budget available for those who wish to attend.

**Finance Committee Meeting:**

- The Planning Board intends to attend the February 26th meeting to discuss the budget for the Planning Board. Tricia reached out to the Finance Committee to inform them of the Planning Board's attendance at their meeting.

**Possible Zoning Amendments:**

- Retail and Industrial District amendments:
  - Ongoing discussion on the amendments for zoning changes
  - Possible changes submitted by counsel for United Cultivation:

Option 3

Ashby Planning Board Meeting

February 13, 2019

Current ZBL:

Section 8.2.5 Marijuana Establishment except for Marijuana Retailer. A maximum of one (1) location in the Industrial Zoning District may be used as the site of a Marijuana Establishment except for a Marijuana Retailer, subject to approval of a special permit by the Zoning Board of Appeals. All special permits shall be subject to Section 12.3 Special Permits, Paragraph 12.3.3 Requirements, Marijuana Establishments.

All Marijuana Establishments shall be located a minimum of 500 (five hundred) feet from any existing or proposed public or private school. All Marijuana Establishments shall be licensed by the State, meet all applicable State regulations and State permit conditions, and conform to all provisions of this section.

Proposed Amendments:

Section 8.2.5 Marijuana Establishment ~~except for Marijuana Retailer~~. A maximum of one (1) location in the Industrial Zoning District may be used as the site of ~~one or more~~ <sup>up to a maximum of three (3)</sup> Marijuana Establishments ~~except for a Marijuana Retailer~~, subject to approval of a special permit by the Zoning Board of Appeals. All special permits shall be subject to Section 12.3 Special Permits, Paragraph 12.3.3 Requirements, Marijuana Establishments.

All Marijuana Establishments shall be located a minimum of 500 (five hundred) feet from any existing or proposed public or private school. All Marijuana Establishments shall be licensed by the State, meet all applicable State regulations and State permit conditions, and conform to all provisions of this section.

✓ for a maximum of three (3)

- Proposed changes from the Planning Board would be as follows (with changes marked in red):

39) MARIJUANA ESTABLISHMENT. A licensed Marijuana Cultivator, licensed Craft Marijuana Cooperative, licensed Marijuana Product Manufacturer, licensed Marijuana Retailer, licensed Independent Testing Laboratory, licensed Marijuana Research Facility, licensed Marijuana Transporter, and/or any other type of licensed marijuana-related business, except a medical marijuana treatment center.

8.2.5 A maximum of one (1) Marijuana Establishment may be located in the Industrial District subject to approval of a special permit by the Zoning Board of Appeals. All special permits shall be subject to Section 12.3 Special Permits, Paragraph 12.3.3 Requirements, Marijuana Establishments. Marijuana Social Consumption Operations shall not be permitted.

All special permits shall be subject to Section 12.3 Special Permits, 12.3.3 Requirements, Marijuana Establishments and Registered Marijuana Dispensaries.

- This potential change addresses the need for a single establishment to have multiple licenses in the industrial district.
- The Planning Board will address this with the town counsel to allow for flexibility in the licenses that will be distributed to the entity. The goal would be to allow 3 licenses for the industrial zone for an entity (in accordance with current state laws), but to not lock it down to that specific entity and to not allow other entities to share the same space.
- Changes need to be approved by February 27th, 2019 to make the advertisement for the hearing, which is March 27th, 2019.
- Laura will reach out to counsel to address changes.
- An updated copy will be expected for the Planning Board to review and vote on it on the February 27th, 2019 Planning Board meeting.
- Jeanie moves to bring the Planning Board version of the amendments forward to the town counsel ASAP to get back to us before February 27th, 2019.
- Advertisements (2x) should be done March 4, 2019 and March 11, 2019. Alan will do that; backup is Tricia.
- Jim seconded the motion. All approved.
- Differentiating between parcel and site in the residential agriculture
  - The language would be changed to effectively limit one cultivation establishment
  - The Planning Board needs to define site or utilize the term, *establishment*, so that there is no confusion in how the by-law could be interpreted

- o This affects the by-law, 7.2.12:

7.2.12 Marijuana Cultivation of Limited Area.

7.2.12.1 Cultivation within a building or buildings with a combined footprint not to exceed 2,500 square feet. A maximum of two (2) sites for licensed marijuana cultivation within a building or buildings may be located in the Residential / Agricultural Zoning District, subject to approval of a special permit by the Zoning Board of Appeals. Total building footprint area shall not exceed 2,500 square feet per site. Total Canopy area for each site shall not exceed 5,000 square feet. No retail product sales to the general public shall be permitted on the site. Marijuana product manufacturing in whole or in part is not permitted.

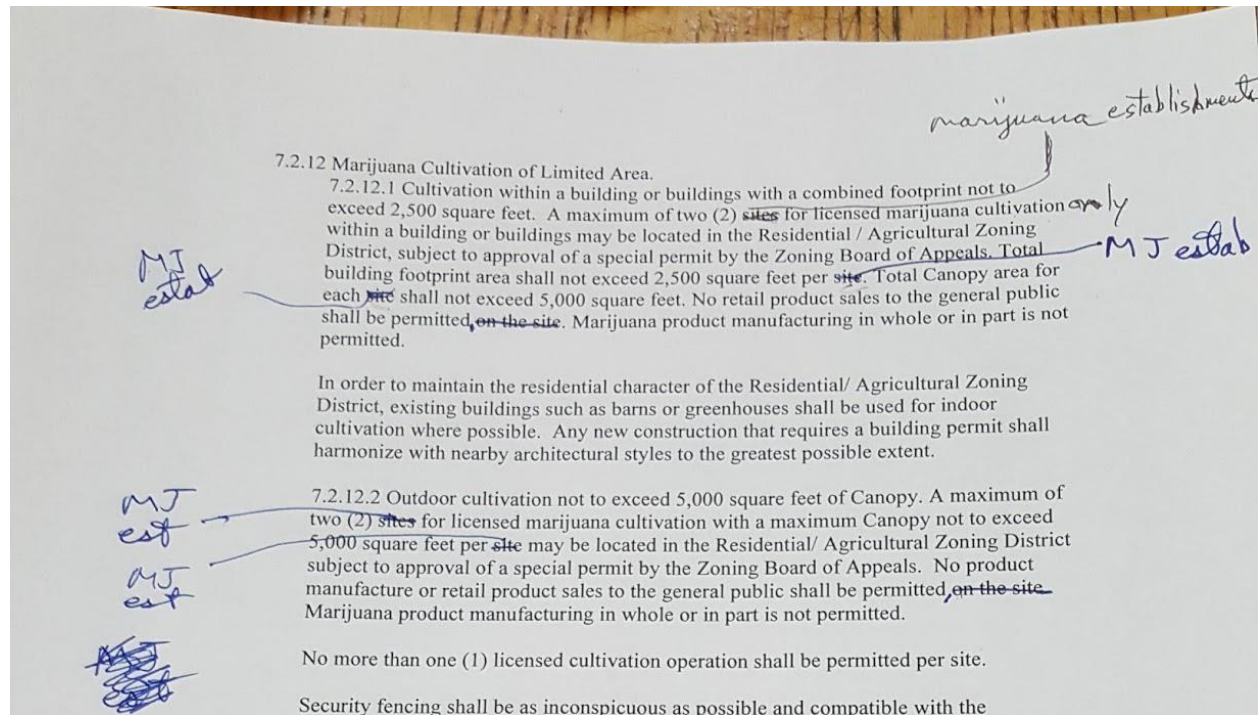
In order to maintain the residential character of the Residential/ Agricultural Zoning District, existing buildings such as barns or greenhouses shall be used for indoor cultivation where possible. Any new construction that requires a building permit shall harmonize with nearby architectural styles to the greatest possible extent.

7.2.12.2 Outdoor cultivation not to exceed 5,000 square feet of Canopy. A maximum of two (2) sites for licensed marijuana cultivation with a maximum Canopy not to exceed 5,000 square feet per site may be located in the Residential/ Agricultural Zoning District subject to approval of a special permit by the Zoning Board of Appeals. No product manufacture or retail product sales to the general public shall be permitted on the site. Marijuana product manufacturing in whole or in part is not permitted.

No more than one (1) licensed cultivation operation shall be permitted per site.

Security fencing shall be as inconspicuous as possible and compatible with the surrounding neighborhood. In no case shall barbed wire topped fence or similar style be permitted. All lighting shall be shielded and downward directed so as not to shed light onto adjacent properties.

- o Possible changes to the by-law would be to change the terminology, *site(s)*, to *establishment(s)*, using the definition of *establishment* from above changes, but making it specific to a single cultivation license, as follows:



The last line, **No more than one (1) licensed cultivation operation shall be permitted per site.**, can be eliminated in lieu of changes noted.

***Intermission: Cookies were served - no, not that kind. Thanks Trish for bringing them in.***

**NRPZ:**

- Laura reached out to Julie Costello (accountant for Ashby) to find out about the current state of funds to support activities for OSRP
- About \$5k is available as part of a small communities grant currently available and has not been touched. This \$5k is to be used for planning to facilitate land conservation projects. It must be used by June 30, 2019. There is \$500 for the open space project that must also be consumed by June 30, 2019.
- Laura is suggesting potential computerized overlay maps on top of parcel maps so that others can visualize the activities outlined in the OSRP activities plan. Items could include trail overlays on top of existing parcels, or natural resources, or economic opportunities overlay.

There is currently a web site that adds overlay maps to the assessors' maps:  
<https://www.axisgis.com/AshbyMA/>.

Meeting adjourned at 9:11pm.

Submitted by:  
Terri Cantor