

Planning Board Meeting Minutes

Date: February 27, 2019

Time: 7:36pm

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

Also Attending:

- No one

Jeanie's off warming herself...

Meeting Opened at 7:36pm

Approval Not Required:

- None tonight

Meeting Minutes:

- Jim motioned to accept the meeting minutes; Trish seconded; all in favor; no one opposed; Alan abstained as he was not in attendance

CPTC Training

- Coming up on March 16, 2019
- Schedule is available online with several classes available: <http://masscptc.org/>
- Registration must occur ahead of time; there is a fee for attending the conference

Zoning Amendments

- Counsel, Jonathan D. Eichman at KP Law, reviewed the proposed amendments to the bylaw changes that Laura incorporated based on our recommendations and feedback to clearly define marijuana establishment in section 3, support a single establishment with multiple uses in the industrial zone for section 8 (see first image below this section), and to remove the language, site, in section 7
- The Planning Board reviewed the changes that both went to, and came back, from counsel (see second and third image below this section)
- Trish made a movement to approve the changes to section 3, 7, and 8, dated 2/18/19 for the bylaw changes to be presented at the town hall meeting; Alan seconded the motion; all were in favor
- All three sections will be presented separately; this has to be provided to Bob for the town meeting.
 - This means that there must be three (3) articles and three (3) advertisements. Hearing can be provided 15 minutes apart.

- Advertisements will go on the 3/11/19 and the 3/18/19 with an open forum on March 27th, 2019. The entire text of the article does not be presented, but any description posted in the notice must be suitable for identification (a description that conveys the intent of the changes) so that someone reading the article(s) will understand the intent of the changes. These descriptions/notices will need to be crafted over the next week to make the target posted dates.
- Notices (on all three articles) must go to the Planning board of abutting towns, regional planning agency, and the department of housing and community development); the notices will be the same as those going to the newspaper
- Form 7 must document each of the steps that was taken to get the articles to the town meeting (when the items were mailed, posting put up, printed date, etc)
- Trish made a motion to amend the changes to bylaw 7.2.12.2 to omit paragraph 2 in full; Alan seconded the motion; all in favor; none opposed

Tricia Egster

From: Town Administrator <administrator@ashbysma.gov>
Sent: Tuesday, February 26, 2019 7:25 PM
To: tricia@kplaw.com
Subject: FW: Request for Early Town Counsel Review - Zoning Change, Adult Use Marijuana
Attachments: NEED TO CHANGE 2-18-19 Leditschko

Tricia –

Please see attached,

- Bob Hanson

From: Jonathan D. Eichman [<mailto:JEichman@k-plaw.com>]
Sent: Tuesday, February 26, 2019 6:31 PM
To: Town Administrator
Cc: Mark R. Reich
Subject: RE: Request for Early Town Counsel Review - Zoning Change, Adult Use Marijuana

Bob:

The proposed changes look fine to me and accomplish the purpose of allowing multiple uses limited under one establishment in the Industrial Zone set forth below. I have no revisions or comments to make to this draft.

Jonathan D. Eichman, Esq.
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From: Town Administrator [<mailto:tadministrator@ashbysma.gov>]
Sent: Tuesday, February 19, 2019 2:26 PM
To: Mark R. Reich <MReich@k-plaw.com>
Subject: FW: Request for Early Town Counsel Review - Zoning Change, Adult Use Marijuana

Hi, Mark –

Please see the attached cover letter from the Planning Board, with the proposed Zoning By-law amendments.

Would you please review the recommended changes and provide any appropriate comments?

Thanks –

Bob Hanson

From: Laura Harbottle [<mailto:LauraHarbottle@comcast.net>]
Sent: Tuesday, February 19, 2019 11:57 AM
To: Town Administrator

PROPOSED CHANGES TO ZONING BYLAW SECTIONS 3, 7 AND 8
2/18/2019

The purpose of the bylaw changes proposed for 2019 Annual Town Meeting is 1) To clarify the definition of marijuana establishment; 2) To clarify that a maximum of two marijuana establishments are permitted in the Residential/Agricultural Zoning District and 3) To allow retail sales of marijuana and marijuana products in the Industrial Zoning District.

SECTION 3: DEFINITIONS

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 recreational marijuana-related business, except a medical marijuana treatment center.

SECTION 7: RESIDENTIAL/AGRICULTURAL

7.2 Special Permits:

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-Marijuana Establishments for licensed marijuana cultivation only within a building or buildings may be located in the Residential / Agricultural Zoning District, subject to the requirements of this Section and approval of a special permit by the Zoning Board of Appeals. Total building footprint area shall not exceed 2,500 square feet per site-Marijuana Establishment. Total Canopy area for each site-Marijuana Establishment 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-Marijuana Establishments for licensed marijuana cultivation with a maximum Canopy not to exceed 5,000 square feet per site-Marijuana Establishment 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.

7.2.12.3 Where Marijuana Cultivation of Limited Area would abut an existing Residential use, a landscape buffer up to a maximum of twenty (20) feet in width, designed to visually shield the Establishment from the existing Residential use may be required. All landscape buffers shall comply with State Cannabis Control Commission security requirements.

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

7.2.12.5 All special permits for Marijuana Cultivation of Limited Area shall be subject to Section 12.3 Special Permits, Paragraph 12.3.3 Requirements, Marijuana Establishments and Registered Marijuana Dispensaries.

Comment [LH1]: Alan wanted to fix this – see next comment below.

SECTION 8: INDUSTRIAL

8.2 Special Permits:

8.2.5 Marijuana Establishment ~~except for Marijuana Retailer~~. A maximum of one (1) location ~~Marijuana Establishment may be located in the Industrial Zoning District may be used as the site of a for a maximum of one (1) Marijuana Establishment except for a Marijuana Retailer~~, subject to approval of a special permit by the Zoning Board of Appeals. ~~Marijuana social consumption shall not be permitted~~. All special permits shall be subject to Section 12.3 Special Permits, Paragraph 12.3.3 Requirements, Marijuana Establishments and Registered Marijuana Dispensaries.

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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.

8.2.6 Registered Marijuana Dispensaries. A Registered Marijuana Dispensary may be located in the Industrial Zoning District subject to approval of a special permit by the Zoning Board of Appeals. All special permits shall be subject to Paragraph 12.3.3 Requirements, Marijuana Establishments and Registered Marijuana Dispensaries. ~~Marijuana Social Consumption shall not be permitted~~.

Comment [LH2]: Alan wanted to make this read the same as the title for 12.3.3, so I think this should be changed as shown.

Comment [LH3]: This was Alan's language about social consumption. It was in the draft that was passed around at the meeting that think the board was looking at... but let me know if that wasn't the case.

Natural Resource Protection Zoning next steps

- Laura presented information dated 1/18/19 on the next steps ([available here](#))
- Recap on using the funds available in the community grant (from [PB Meeting 2/13/19](#)) that must be used by June.
- Laura mentioned an overlay on top of assessor's maps to add a layer for the open space activities for the town; this makes sense for us to pursue.
- We can work with MSRPC with Laura reaching out to them.
 - **AI (Laura):** Bring together an outline of what needs to be done to pursue the overlay plans and reach out to MSRPC
 - **AI (Laura):** Notify Julie Costello that the Planning Board has a potential pending use for some of the funds; this allows us to plan for time with MSRPC and any other incidentals

PB Internal Rules

- No additional work has been done
- **AI (Trish):** Trish to resend the rules for us to provide feedback

PB Action Items from OSRP

- Review the action items that we needed to address for year 1 ([full action item list available here](#))
- Year 1 is defined as 2018
- Section 1:
 - Item B: To be done in conjunction with Selectmen
 - Item E: Explore conversations with snowmobilers and mountain bike groups for multi-purpose use of the existing trails; need to determine rules that would apply to private properties that offer open space; this would also be for the addition of new trails to support multiple activities, including hiking and off-road use
 - Additional items to be pulled out for the Planning Board to review at the next meeting. We will prioritize the list for year 1 and year 2 and validate what has been done and identify actions for what needs to be done.
- **AI (Terri):** Pull year 1 and year 2 out of the latest available action plan for us to review on the next meeting

Meeting adjourned at 9:15pm.

Submitted by:
Terri Cantor