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Planning Board

Telephone (978) 297-5410

Approved 10/30/18

Planning Board Meeting Minutes

January 2, 2018

4th Floor Town Hall

Present: Chairman Guy Corbosiero, Vice Chair Cailte Kelley,
Robert O'Keefe, and Chantell M. Fleck, Planning Agent

Materials: Marijuana zoning bylaw, copy of commissions new regulations

1. Call to Order: 6:30pm

Pledge of Allegiance

2. Announcements: None

3. Public Comment: None

4. Approval of Minutes: None

5. New Business: None

6. Old Business: Marijuana regulations review discuss draft marijuana bylaw, review discuss draft marijuana general bylaw, review working schedule, set a date for next public forum. Chantell Fleck planning agent and Tracy Murphy put together draft marijuana zoning bylaw and draft marijuana general bylaw. Ms. Fleck presents first draft for review to the board looking for feedback in regards to the draft presented in hopes to revise a second draft. Ms. Fleck discusses newly added information to the zoning bylaw documentation and also addresses the commission's new regulations. Ms. Fleck does not believe the bylaw will have an effect in regards to land use, however would like to address the definition of the types of

establishments. Ms. Fleck suggests going through the bylaw and opening a discussion. Chairman comments before discussion ensues, with the new regulations a public outreach must be done before an application is sent into the cannabis control commission.

Discussion ensues in regards to marijuana bylaws. Ms. Fleck goes over the bylaws and discusses changes made in the administration part of the bylaw which includes that the planning board is designated as the special permit granting authority and the administrator of site plan review for this development. It is broken down into categories as follows: uses, cultivation of recreation and medical use, process and packaging, retail sale and distribution and wholesale, adding that social consumption could be added to this. Chairman states as far as he understands the law there will be no social smoking places established unless the town meeting passes that specifically. Ms. Fleck questions if that will be excluded in zoning and clearly stated whether or not it will be allowed. Ms. Fleck references marijuana retailer provision, an aspect of that called, marijuana social consumption establishment. Ms. Fleck states that as the draft is currently written, no consumption on site will be allowed and the reason being the considerations in feedback received from police chief and town manager concerns. Chairman reviews draft working copy of Chapter 348 of the acts of 2016 and 2017 stating the law itself states the process of allowing on premises smoking must go to election and town meeting. Planning Board agrees specification of social consumption must be addressed. Planning Board reviews zoning map for retail and cultivation, and discusses a second public forum for more input. Cailte Kelley discusses the advantages of having retail location in down town and the prospects of bringing new business into the town.

Robert O'Keefe wants to address where the board absolutely does not want the marijuana establishments. Ms. Fleck discusses R80 being a potential spot for facility for cultivation, processing, and distribution. Mr. Kelley discusses proposed general bylaws and questions retail versus industrial facilities. Ms. Fleck then discusses the overlay district portion of the bylaws. Robert O'Keefe suggests doing different parts of the overlay to give people more areas to choose from or decline. Ms. Fleck discusses with the board the application requirements and rules and regulations for formal site plan approval. Changes made include, a notarized statement from Amherst and included a management plan as well as all

documentation by the Commonwealth of Massachusetts. In addition the Planning Board would like to add anything from the Commonwealth and the applicants. Mr. O'Keefe questions where the fee schedule will be located. Chairman suggests creating a special category of fees listed. Ms. Fleck offers to review fee schedules of other communities following the bylaw review. Planning Board discusses another public hearing. Ms. Fleck reviews requirements with the board. Mr. O'Keefe questions keeping the specifications in the bylaw of uses and consumption on the premise, if the state already says it is not allowed does it need to be listed in the regulations specifically? Ms. Fleck offers to gather more information in regards to the consumption of marijuana. Mr. O'Keefe suggests potentially revising the bylaw verbiage for the future.

Mr. O'Keefe addresses the bike path in the bylaws in regards to retail establishments. The board discusses entryways to the bike paths and whether or not to eliminate access. The board discusses defining overlays and buffers. Board agrees to keep 500 foot buffer in regulations. Cailte Kelley brings up the concerns for the time restrictions on retail establishments that are currently no sales between 8pm-8am. Mr. O'Keefe agrees with retail establishment restrictions but questions retail delivery and cultivation establishments. Chairman suggests adding specifically restrictions in retail sale hours. The board discusses time restrictions further. Ms. Fleck asks if the board would like the retail store hours to correlate with liquor retail store hours, the board agrees. Ms. Fleck offers to do more research on retail hour regulations.

Cailte Kelley addresses section on 6.2.2 section C in the bylaws, no non retail facility should have a gross floor area in excess of 25,000 square feet. Mr. Kelley disagrees with this and believes focus on impact of abutters is important. The board agrees and Mr. O'Keefe adds the old mills are in excess of 25,000 feet and the board does not want to exclude the mills. Ms. Fleck agrees to remove that, questions retail space, the board agrees to keep that requirement for retailers. Mr. Kelley addresses 6.2.6 in the bylaws, plans must show all security measures for marijuana facilities. Mr. Kelley agrees the security plan should be in place but not a matter of public record. The board discusses security plans. Ms. Fleck offers to add that security is not for public record. The board discusses sign regulations in the bylaws, allowing two signs per retail location. The board agrees modifications within the sign regulation bylaws will be addressed and


discussed further. Mr. O'Keefe suggests adding regulations and requirements involving window displays. The board discusses options on modifications. Criteria discussed included blackened out windows, foyer, entryways, curtains, reflective glass, the main concern being that marijuana is not visible from the exterior of the building. Ms. Fleck offers to do a comparison between the signage bylaws with liquor stores and marijuana retail establishments. Chairman would like to add a waiver if there is a case with the applicant and town. Ms. Fleck agrees, and makes note. Mr. Kelley questions the bylaws stating the need to establish a secure waiting area in which requires someone to card an individual at the door. Mr. O'Keefe would like to add a specification in the bylaws stating that individuals will be carded at the door. The board requests more clarification on the established secure waiting area requirements in the bylaws. Further scheduling for a public forum is then discussed. Mr. O'Keefe suggests offering the public to call the planning office to state thoughts or concerns on the marijuana bylaws prior to the next public forum.

7. Meeting updates: Schedule a second public hearing on the marijuana bylaws on February 20, 2018.

8. Meeting Adjourned at 8:16pm

Respectfully submitted;

Sarah Burks, Planning Board Recording Secretary



Guy Corbosiero, Chairman

Robert O'Keefe.

Cailte Kelley, Vice Chairman



Chantell Fleck, Planning Agent