

Shutesbury Planning Board Meeting Minutes
June 25, 2018 Shutesbury Town Hall

Planning Board members present: Deacon Bonnar/Chair, Jeff Lacy, Steve Bressler, Robert Raymond, Michael DeChiara and James Aaron

Planning Board members absent: Linda Rotondi

Staff present: Linda Avis Scott/Land Use Clerk

Guests: Town Counsel Donna MacNicol, Emily Boss/Franklin Land Trust and Mark Olszewski/Lot D18 Locks Pond Road, Becky Torres/Town Administrator and Sanford Lewis

Bonnar calls the meeting to order at 7:33pm.

Public Comment: None offered.

Lot D18 Open Space Design and Conservation Restriction: Attorney Donna MacNicol/Town Counsel reviewed the Conservation Restriction (CR) document with Emily Boss/Franklin Land Trust and is satisfied with the document and Boss's responses to her questions. The document is reviewed by the Planning Board. Lacy refers to page 2 "Surface Water Protection": change "up-grade" to "up-gradient". Boss explains how the reserved rights are arrived at. Lacy recommends an Approval Not Required (ANR) plan that does not show the building envelope. MacNicol: this is one lot with a CR on $\frac{3}{4}$ of it and a building envelope; all the activity is on one lot so an ANR may not be necessary. Mark Olszewski: the building envelope cannot be separated out. Bonnar: the Building Inspector will receive the CR and surveyed site plan. Lacy: the Planning Board would sign an ANR; even if it is not surveyed, an ANR plan would have the building envelope. MacNicol: the recorded CR book and page will be on the site plan. Bressler: is there a public right to access the CR? MacNicol: this CR document does not give any additional rights to the public than they would already have. MacNicol: the proposed edits are de minimus therefore recommends the Planning Board approve the CR document. Boss and Olszewski will return with an ANR plan. Lacy moves the de minimus edits be incorporated by Boss and that the Grant of Conservation Restriction/Lot D18 Locks Pond Road from Mark Olszewski to Franklin Land Trust document, as approved by the State, be approved by the Planning Board; the motion is seconded by Raymond; all Planning Board members support the motion except DeChiara who abstains; motion carries.

Issues Concerning Recreation Marijuana Establishments: DeChiara: Town Meeting voted for the creation of a cannabis business development committee, the Select Board asked Torres to develop the committee with the Planning Board; the Planning Board was given a mandate to come up with a process for creating the committee. Torres: during their last meeting, the Planning Board began to consider a charge for the committee and how the process would go forward; the goal of the 6.25.18 meeting is to figure out how the process will work. DeChiara: normally, the Select Board would appoint the committee, however, in this case, the Planning Board will make recommendations for appointments. Sanford Lewis summarizes his 6.22.18 letter titled "Introducing the Sustainable Cannabis Project of Western Massachusetts" and states his interest in helping to find members for Shutesbury's committee. Lewis: beyond nuisance bylaws, we need a longer-term development model of interconnected small craft growers.

MacNicol clarifies with Lewis that the committee will focus on the development of sustainable cannabis business. Lewis: yes, and, assist with the development of bylaws. MacNicol: there are strict constraints from the State and little local control; Shutesbury needs a bylaw that is as liberal as possible to support economic development as allowed by the State. Lewis: odor and security are issues that will need to be addressed. MacNicol: setbacks are within the town's discretion; consider where the bylaw can be liberalized. DeChiara: having a committee will be helpful in moving forward; there are a lot of points for discussion in the FRCOG document. MacNicol: moratoriums can be in place until 6.30.19. Raymond: will extension of the moratorium decrease the chances for licensing? MacNicol: other communities are pushing hard for growers; the state does not distinguish between indoor and outdoor growing; zoning may be the most important way to keep economic development within the community. DeChiara: FRCOG does not differentiate between indoor and outdoor growing; it seems we would want to differentiate. MacNicol cites the example of a town that excluded retail in their bylaw; the different types of establishments can be differentiated within the bylaws and shown in the use table. Bressler confirms that the State gives the Planning Board the flexibility to differentiate in the use table. Lacy: one way to zone is to visualize how you want a particular situation to be; suggests putting together some scenarios about how cannabis business development could work in Shutesbury. Lewis agrees with Lacy's suggestion, volunteers to chair the committee and notes the need for community conversation. MacNicol: in some ways, the regulations make it difficult for small growers. Lewis: from conversations about sustainable growing, there is a subculture for "sun grown" and organic cannabis; there are various certifications being considered; the traditional farming model is the least costly way to grow and allows competition in the market – pure outdoor grow. MacNicol: per the regulations, processing requires high standards. Lewis: odor can be a problem; suggests a special use permit, i.e. trial for a year. Raymond asks if any other towns have "slow cannabis" bylaw proposals. Lewis: there are various certifications that need to be looked at. Raymond appreciates Lewis' contributions. Lewis recognizes the difficulty in regulatory compliance. Bressler: could we put certain certifications in our bylaw? Lewis: you cannot impose anything that a grower would find impractical. MacNicol: the certifications need to be considered, i.e. recognized and easily applied for. Lewis cites the Cannabis Conservancy as a resource. DeChiara: practically speaking, the committee needs a charge; we could vote to have Lewis seek members. Torres: Town Meeting made the request for the committee; there needs to be a working relationship between the Planning Board and the committee. Bressler cites the collaborative effort between interested citizens and the Board on the development of the solar bylaw. DeChiara: this needs to be coherent harmonious process. Raymond acknowledges Lewis' willingness and moves the Planning Board appoint Lewis as chair and that he propose committee membership. Lewis suggests a public meeting on the topic, i.e. see who shows up and build a committee from those who attend; this would be a natural way to form a committee; perhaps such a meeting could be held this summer; he would continue his research in the meantime. Torres suggests the committee be comprised of 5-7 members. DeChiara seconds Raymond's motion. DeChiara and Raymond are supportive of members, if appropriate, from outside of Shutesbury. MacNicol: ensure those who come together have common goals and are interested in working together. Bonnar: an important element is having members with growing experience. For awareness of zoning issues, the Planning Board will have a representative on the committee. Bressler suggests Bonnar. MacNicol and Lewis note that there are no provisions for waivers in the regulations. MacNicol: without significant financial investment, it will be very difficult for a craft cooperative to get off the ground; the committee, once they have a mission statement, will

need to go through the regulations to see if establishing a cannabis establishment is possible in Shutesbury. Lacy: the issues are lighting, security, odor, noise. Bressler: setbacks. Lewis suggests he be delegated to make recommendations on committee membership. Raymond moves Sanford Lewis be delegated to make recommendations on committee membership. DeChiara seconds the motion the passes unanimously. DeChiara: the Select Board voted the name “Sustainable Cannabis Development Advisory Committee” therefore recommends the Planning Board do the same and add to the charge “the development of bylaws”. Aaron joins the meeting at this time. DeChiara, per the moratorium: “...Town shall undertake a planning process to address the potential impacts of marijuana establishments with advice from a new town cannabis business development committee”. Bonnar: business development is not the purview of the Planning Board. MacNicol: the committee may make recommendations about where different establishments may be located in the various districts as identified on the use table. DeChiara moves this committee research sustainable cannabis business development models and bring forth information that would support business development in the zoning bylaws. MacNicol: the committee is to advise on the potential impacts of marijuana establishments in town. Committee title: Sustainable Cannabis Business Development Advisory Committee. Charge: To advise on the potential impacts of marijuana establishments. The Planning Board will continue to work on relevant bylaws. MacNicol: use the FRCOG document for guidance; start where the regulations say you “can’t go any further” and work from there; water is one of the biggest issues. Lewis will attend area meetings and look for people who may be interested in doing presentations. Plan: Lewis will provide the Planning Board with an update during the 7.9.18 meeting.

Raymond moves and Bressler seconds motion to approve the minutes for the 6.11.18 Planning Board meeting. Bressler, Raymond, Bonnar and Aaron support the motion; DeChiara and Lacy abstain; motion carries.

Meeting is adjourned at 9:13pm.

Documents and Other Items Used at the Meeting:

1. Grant of Conservation Restriction/Lot D18 Locks Pond Road from Mark Olszewski to Franklin Land Trust document
2. 6.22.18 Sanford Lewis memo: “Introducing the Sustainable Cannabis Project of Western Massachusetts”
3. Town Clerk Susie Mosher’s 5.29.28 “Zoning Bylaw Changes” document
4. FRCOG 3.20.18 draft bylaw “Adult Use Recreational Marijuana Establishments”
5. Lewis’ flyer “Sustainable Cannabis Project of Western Massachusetts”
6. Kay Doyle, MA Cannabis Control Commission “Adult Use of Marijuana Regulations 935 CMR 500” 6.7.18 presentation

Respectfully submitted,
Linda Avis Scott
Land Use Clerk