

Town of New Marlborough
Cannabis Ad Hoc Committee
Meeting July 31, 2018

Members present: Daniel Doern, Barbara Kelly, Bill Kelly, Eugene Cleary, Sandra Fusco Walker, Jackson Liscombe, Eric Schaefer, Rebecca Schreiber, Michael Shocket, Jeff Wallman. Absent were Richard Long, Barbara Marchione and Louise Yohalem.

In Attendance: Tara White, Board of Selectman, and Jamie Mullen, Planning Board.

Chair Dan Doern welcomed Chris Gruba, Senior Planner of Berkshire Regional Planning Commission and Gwen Miller, Town Planner for Lenox.

Chris Gruba presented information about the adult recreational marijuana law that passed in 2016. He also recommended that, as New Marlborough does not have any planning regarding medical marijuana, that might be something to keep in mind as the town moves through the process.

Mr. Gruba detailed the types of marijuana businesses as described in the Cannabis Control Commission (CCC) regulations.

There was some discussion regarding whether or not a host community agreement applied only to retail establishment or to all marijuana establishments. Some Committee members offered to further investigate to clarify.

Mr. Gruba discussed steps a town can take to regulate marijuana establishments and stated the BRPC can help the town develop bylaws to address where businesses might be located.

He also stated that because New Marlborough has only one district, an overlay, like the Town of Windsor, might work for New Marlborough. Mr. Gruba went on to say a 500' buffer around homes could be part of New Marlborough's strategy as long as it didn't create an 'unreasonable' barrier to marijuana businesses, which the state will not allow. Other issues such as lighting, fencing, business hours, etc. can also be addressed in town bylaws.

Mr. Gruba cautioned that when you write bylaws you want to be able to enforce them. He also stated that each separate type of marijuana establishment could be addressed individually in the bylaws.

Gwen Miller of Lenox shared the process by which Lenox has approached the marijuana businesses in their town. Lenox already has several types of zoning including industrial areas where they already allow businesses.

Ms. Miller shared their approaches to inform the Town of its options and gather opinions of the townspeople so they could move forward addressing how the town wanted to handle adult recreational marijuana establishments. Ms. Miller stated the Town is looking at three options:

1) completely ban it in town; 2) treat it the same way they already treat medical marijuana or; 3) treat it like any other use or activity approved for businesses in the town bylaws already.

Lenox will present a vote at their Town Meeting that will give people the choice of opting out, general zoning or extending their moratorium until June of 2019. Ms. Miller stated the choices might confuse people but town counsel will be there to address questions and the Planning Board felt this was the best way to handle the issue.

After the speaker portion of the meeting ended, the Committee reconvened with members to discuss the evening's presentations.

Discussion began about zoning and the fact that the town has only one zone. Members expressed concern that without zoning changes people would not be sure where a business might be located and voters might not support any bylaws addressing marijuana establishments without that information in advance.

An overlay district was discussed as an option to creating a type of zoning but the group concluded that zoning was beyond the scope of the Committee. Dan Doern reiterated the Committee's purpose is take the pulse of the town about marijuana establishments being located in town and to determine where they would like to see them, if any.

Dan Doern went on to state the goal is to gather that information and share it with the planning board. Bylaw drafting will be discussed by the board and interested members of the Committee after we meet that goal.

It was also suggested that the Committee tease out the key issues that might concern townspeople.

Jamie Mullen commented he'd like the Committee to remember that although they are discussing where in the villages an establishment might be located, there are no actual villages from a zoning point of view, but that the planning board has already done a lot of work on bylaws which was presented in 2016 and failed at a vote. That information is still available on the Planning Board page of the town website.

Peter Tiso explained the Committee should focus on gathering input from residents but that general zoning will be part of the Planning Board's meetings and everyone is welcome to participate at that meeting to share their thoughts.

Jamie Mullen offered that the zoning efforts that were done in 2016, though not law, might help the Committee, during their discussions and deliberations, to understand there are places to put these businesses.

Rebecca Schreiber discussed that KP Law was available to meet with the Committee Monday, August 6 at 4:00PM prior to KP's presentation in Sandisfield regarding the Massachusetts Open Meeting Laws. As the town was invited to this meeting in Sandisfield, the Committee meeting

on August 6 could be moved earlier to 4:00PM. Rebecca is hoping that KP will offer the presentation without charge, but won't find that out until the next day. If KP agrees to no fee, they could be added to the agenda for August 6 at 4:00PM.

Discussion regarding attorney fees brought out that any use of town counsel by the Planning Board needs to go through the Select Board first. Tara White clarified that Town Meeting had already approved funds for Town Counsel and that funding did not include hiring outside attorneys for this issue. Jamie Mullen stated that any zoning laws developed by the Planning Board would go through Town Counsel before approved to go to vote.

Sandra Walker offered to contact the Attorney General's office, who enforce the marijuana law and the Cannabis Commission, who wrote the marijuana regulations, to see if someone from each office would come to New Marlborough to speak with the Committee.

Dan Doern made a motion to schedule a meeting Monday, August 6 at 4:00PM and stated those who wished to attend the Open Meeting Law presentation in Sandisfield could do so after the meeting. Motion was seconded and passed unanimously.

Committee decided to submit questions ahead of time to Dan Doern in case KP Law would be on the agenda on Monday August 6, they would have time to review before the meeting.

Members discussed holding a public information session to educate the town about the options and then go about gathering opinions and feedback. A survey needs to be developed and the Committee discussed ways to reach people. Emails, google groups and postcard mailings were suggested as some ways to share the information. It was also suggested the Committee submit information to the NM5VN to help educate people about the options in town.

Members agreed a focus for the August 6th meeting would be what information to present, developing a survey and planning media coverage along with establishing a date for the public information meeting.

Dan Doern stated Elihu Burritt Day is coming up and as a town Committee we could have a table at the event. Members agreed it was a good idea to present basic information, perhaps a short piece showing options available to the town and what we can do with links to where they might find more information.

Dan Doern announced though we do have a remote conference call for someone who might not be able to make a meeting, he encouraged everyone to attend in person as a quorum is always necessary.

Richard Long has resigned from the Committee so the Committee is now at twelve people. Discussion around whether or not the Committee needed to add another person was left at anyone interested should contact Dan Doern.

Motion to wait and review minutes of July 23, 2018 at next meeting was made, seconded and approved.

A brief discussion about emails and keeping the Committee apprised of activities that members were taking on behalf of the Committee ended in agreement that efforts should be made to let the entire Committee be kept aware of developments via emails. Members were cautioned though to provide just information as no deliberation can be held digitally per the Massachusetts Open Meeting Laws. All deliberations must be public.

Sandra Walker made a motion to adjourn. It was seconded and approved unanimously. Meeting adjourned at 8:46PM.

Respectfully submitted,
Sandra Fusco-Walker

Handouts: Chris Gruba's presentation – Recreational Marijuana Law
Gwen Miller's presentation – Adult Use of Marijuana in Lenox
Town of Windsor, MA Bylaws