

**New Marlborough Planning Board  
Public Hearing regarding  
Proposed By-Law Section 12 - Marijuana Establishments  
01.18.20**

**Minutes from Hearing**

**Technical Review Amendment:**

- Positive and supportive comments.
- Good tool for Select Board; a common provision in MA towns.

**Marijuana Establishments:**

Major Issues/Themes

- Fencing/screening/setbacks
- SPGA discretion
- Change of use requirements
- Odor issue
- Number of permitted establishments
- Water use/aquifer
- Positive meeting

Allen Krantzler

- How can you ensure that fencing cannot be seen from the road? Is there enough protection in the by-law to protect against an eye sore?
- Concerned about razor wire (not permitted in MA) or barbed wire.
- An applicant could put in a fence with only 4' of screening.

Deanna Mummert

- Concern about SPGA's ability to waive submission requirements.
- Concern seconded by another community member.
- Should be more specific about what can/cannot be waived.
- Waiver obviates the effort put into the by-law.
- E.g., water issues are a #1 priority; requirements/restrictions should be absolute.
- (Mark – Not a PB issue; it is a Board of Health issue.)
- Need to refer to specific citations/references in the CCC.
- (Dan (?) - If the CCC requires, the SPGA can't waive.)
- Tighten requirements up.

- Concern about giving the Select Board too much discretion.
- Even if an applicant is a small business, need to make sure the requirements are the requirements.
- Is 500' LOD appropriate for schools? Would prefer to see 1,000'.

#### John Schreiber

- Thank you. Best PB meeting I have attended in years.
- Historical Commission is a resource – recommends that the Historical Commission review special permit applications for input on issues sensitive to Historical Commission issues.

#### Allen Krantzler

- What if a business changes their business – how protected?
- Beef up language regarding change of use requirements.

#### Rebecca Schreiber

- Address odor issue.
- Subjective issue; how to define?
- Dan Doern commented that we left this issue out; need to address.

#### John Schreiber

- Should odor be one of the studies required?

#### Cindy Shmulsky

- CDC has guidelines regarding odors.

#### Ginny Hyde

- Need a light curtain.
- Abutters – what else could be written in to protect abutters?
- Look at it now.
- How do other communities address this more aggressively?
- (Dan – PB discussed bigger setbacks earlier.)

#### Deanna Mummert

- CCC – Look at those requirements.

- There are 15 recommendations including informal meetings with town representatives, abutters before an application is submitted. Make this a requirement.
- Eric Schaeffer commented that he believes a Community Outreach Meeting is a state requirement.

#### Rebecca Schreiber

- Layout the process. Create a package for applicants with current regulations.
- Make clear that the onus of state regulatory requirements is on the applicant.
- Rebecca read language from page 10 of her blue-line copy of the by-law regarding odor/ventilation/noise impacting abutters – received applause from the audience.
- Did the model language make it into Hadley's by-laws which were just passed in November?

#### Ginny Hyde

- We have more land in New Marlborough (low density) than anywhere else in MA. Require greater setbacks.

#### Cindy Shmulsky

- Regarding the number of establishments – one of each reflects what the town approved; more consistent with town vote.
- Large operations (commercial) should be in the residential district.
- 20,000 sf buildings don't belong in the rural district.
- Look at the number of licenses in a more conservative way.

#### David Duccheti

- Town did not vote on quantity; town voted on permitted uses.

#### Allen Krantzler

- Having 4-5 research facilities in one 20,000 sf building could make more sense.
- Two establishments – arbitrary.

#### Ginny Hyde

- Start conservatively.

### Deanna Mummert

- Research entities (small) – each with its own license – could be part of a building.
- Maybe two is too small.
- Dan Doern commented that the Planning Board can control the number of licenses, but not the number of locations.

### Ginny Hyde

- Number of research facilities (demand) will grow as efficacy improves.
- There will be more coming.
- Get by-laws in place.
- She would vote for two locations.
- Expand in the future as appropriate.

### Cindy Shmulsky

- Speak more to the aquifer.
- Is the Board of Health involved in that aspect?
- Limit how much water a facility can draw so they don't drain aquifer and cause surrounding wells to go dry.
- LOD – should also address noise and odor.

Notes provided by Cindy Shmulsky appended.