



**COMMONWEALTH OF MASSACHUSETTS  
TOWN OF NEW MARLBOROUGH  
OFFICE OF THE BOARD OF SELECTMEN  
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Michele McAuley Shalaby,  
Chair  
Nathaniel H. Yohalem  
Tara B. White  
Board of Selectmen

**Minutes  
Joint Meeting  
Planning Board/Board of Selectmen  
Wednesday, January 9, 2019  
7:00 p.m.**

**Board Members Present:** Michele McAuley Shalaby, Chair  
Nathaniel H. Yohalem  
Tara B. White

**Planning Board:** Peter Tiso, Chair  
Mark Carson  
Lonn Combs  
James Mullen  
Eric Schaefer

**Others Present:** Mari Enoch, Town Administrator  
Dan Doern, Chair, former Cannabis Ad-hoc Comm  
Members of the former Cannabis Ad-hoc Comm  
Member of the general public

The joint meeting of the Board of Selectmen and Planning Board was called to order at 7:09 pm.

**Review DLTA Application**

The Planning Board intends to revisit zoning districts (village and agricultural) previously proposed and simultaneously create cannabis related bylaws. They would like to apply to the Berkshire Regional Planning Commission for District Local Technical Assistance for these two projects. The works relates to two DLTA priority funding areas: 1) Planning ahead for housing and 2) Planning ahead for growth. Michele suggested this agenda item be looked at in conjunction with the discussion on planning and next steps. At the conclusion of the meeting the Board approved and signed the application as it was presented.

**A motion was made seconded and so moved to authorize Michele Shalaby to sign the 2019 DLTA 2019 application as presented by the Planning Board.**

Discuss Planning and Next Steps for Cannabis Related Actions

There was a lengthy discussion by Planning Board, Selectmen, members of the former Cannabis Ad-Hoc Committee, and members of the public on the Town's direction relating to possible prohibition and zoning of the business and licenses for adult use marijuana. The moratorium on marijuana ends on June 30, 2019.

The Selectmen were in agreement that they would like to ask the voters which, if any, of the eight marijuana licenses should be prohibited in Town. The technicalities involving the order and timing of both election ballot and town meeting votes were discussed at some length and it was determined there was not enough information at this time to set the timeline.

The Planning Board is not promoting prohibition of any licensing and reiterated that opt-out is the purview of the Board of Selectmen. The Planning Board intends to ask voters to establish village district and agricultural zones at the annual Town Meeting. These districts will address lot size and frontage similarly to what had been proposed in 2016 and will address commercial business as a whole. In conjunction, the Planning Board intends to write specific zoning bylaws for all eight legal licenses and plans to bring them before the voters at a special town meeting to occur in the weeks following the May annual town meeting. The village/agricultural districts can be a useful tool for writing the marijuana specific bylaws. Peter noted that should the district zoning not be approved by the voters, the marijuana specific bylaws would need language that did not rely on the village districts but would fit into the current zoning.

Dan Doern, Chair of the disbanded Cannabis Ad-Hoc Committee, disagreed with beginning the process with an opt-out vote before proposed bylaws were available. He felt voters should not be asked to vote on opt-out without knowing what the restrictions (including size, number, and location) for each type of business would be if bylaws were approved.

Peter Tiso felt that though the exact language of the proposed marijuana specific by-laws would take some time to write, the Planning Board could have the intentions of such by-laws prepared in a month or two.

The Board agreed that it was important to have context for any prohibition vote but it needed to balance that with the time constraint of the June 30<sup>th</sup> deadline. It was also noted that after the June 30<sup>th</sup> moratorium ends, there is a special permit process in place which provides some protection for the Town.

Comments from members of the public included:

- support for opting out of some or all license types
- concern that bylaws would not be in place before the expiration of the moratorium
- the importance of the public input received by the Ad-Hoc committee

The next steps were agreed on as follows:

- The Selectboard will move forward with providing voters an opportunity for an opt-out vote on each type of license but only after there is an opportunity to inform the public on the Planning Board's specific intentions for proposed adult use marijuana by-laws
- The Planning Board will simultaneously move forward with proposing village/agricultural district zoning to be voted on at Annual Town Meeting and proposing bylaws specific to marijuana at a subsequent special town meeting
- Both Boards would endeavor to complete the work by the June 30<sup>th</sup> moratorium expiration.

The meeting was adjourned at 9:22 pm