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**ADAMS PLANNING BOARD
MEETING MINUTES
MONDAY, APRIL 24, 2017**

CLERK _____

MEMBERS PRESENT: Chairman Sandra Moderski and Members Barbara Ziemba, David Rhinemiller, Martha Stohlmann and David Krzeminski

OTHERS PRESENT: Town Administrator Tony Mazzucco; Joseph Nowak, Adams Selectboard; Adams Chief of Police, Richard Tarsa, Jr.; Bruce Shepley and Recording Secretary, Pam Gerry

CALL TO ORDER: Chairman Moderski called the meeting to order at 7:05 P.M.

Chairman Moderski addressed Town Administrator, Tony Mazzucco requesting that he took the opportunity to present the Planning Board members with various information he had acquired regarding medical and recreational marijuana. Mr. Mazzucco mentioned to them that he would like to share a Power Point presentation in regards to medical marijuana dispensaries. He distributed copies of the ordinances from the cities of Brewster and Pittsfield, MA for their review also. He reminded the Board members that medical marijuana was legal in Massachusetts and towns and cities cannot be prevented from opening for business. He stated to them that Adams Town Counsel, Edmund St. John, informed him that the medical marijuana dispensaries were allowed by right in the B-1 and B-2 Zoning Districts similar to that of a pharmacy. He told them that the dispensaries operations were strictly regulated by the state and continued to note that the town had limited restrictions over the dispensaries operations. Mr. Mazzucco explained to them that some communities allow the dispensaries to only be located in certain zoning districts. He stated to them that various areas such as Weymouth, MA required that dispensaries deliver the marijuana to their customers who had possessed medical marijuana cards. Mr. Mazzucco told them that there were 34 registered patients in Adams with a total of 635 medical marijuana customers in the county as of 2016.

Mr. Mazzucco stated that the medical marijuana dispensary was required by the state to complete various steps to qualify, such as having to "establish enough profit under MA law, apply for a certificate of registration, pay \$30,000 for an application fee, and \$50,000 for an operational fee on a yearly basis, as well as upholding various operational standards. Mr. Mazzucco stated to them that rarely do any Boards of Health have any requirements in place. He stated that towns are not allowed to "prohibit home cultivation," requiring patients to register with municipalities or require special permits for home cultivation."

Mr. Mazzucco stated that the town could set reasonable hours of operation for the medical marijuana dispensary according to hours that were held for like businesses. Mr. Mazzucco told them that most dispensaries are signing "host community agreements" which assisted towns in acquiring a commission. He reminded the Board members that the town can only mandate the

regulation of the dispensaries from a “zoning perspective.” He emphasized to them that the state required them to be 500’ or more from schools or where children formally gather, such as libraries, daycares, or dance schools. He stated to them that towns could reduce the 500’ requirement. Mr. Mazzucco wanted the Board members to know that the town would encourage medical marijuana dispensaries in the B-1 and B-2 Zoning Districts, adding that they would be “similar to a retail pharmacy.” He said the town would like to discourage the dispensaries from locating in the Industrial Zoning Districts or the Industrial Park. He stated to the Planning Board members that they could move forward in drafting their own “simple ordinance” to suit the town of Adams. Mr. Mazzucco encouraged the Board members to compile a list of concerns they had and submit them to his office and he would speak with various consultants regarding zoning perspectives which could assist them with any of their questions in the future. Mr. Mazzucco encouraged the Board members to share any comments they may have for him regarding their town’s future ordinance.

Member Ziemba asked Mr. Mazzucco if the “old Millbrook” business in the Zylonite area had been located in the Industrial District. She expressed concern regarding the Planning Board enforcing a Special permit requirement in that location. He addressed Member Ziemba stating that he would have to inquire about that but emphasized that the Board members should be cautious in becoming “over restrictive” with the proposed dispensaries which could force them to set up their business in a different community.

Member Krzeminski stated that the former Curtis Fine Paper mill located on Columbia Street in the Industrial Zoning District was a vacant building with “perfectly good water.” He told the Board members that he would like to see the dispensary facility open their business in that location.

Member Stohlmann stated that even if the business was required to have a Special Permit in the Industrial District, the bylaw could allow them to locate in that area.

Member Ziemba encouraged the Board members to address the medical marijuana dispensaries before they discuss the recreational marijuana.

Adams Police Chief, Richard Tarsa addressed Member Ziemba by stating to her that the Board needed to “keep in mind that if a business gets silenced now under the medical marijuana law it will get first dibs under licensing under the recreational law.” He further noted that the Board members needed to understand the “long term effects” of their decision-making process.

Chairman Sandra Moderski stated that the Board would have the authority to “allow the medical but restrict the recreational.”

Mr. Mazzucco stated to the Board members that the only the individuals who possessed a medical card would be allowed to do business at the medical marijuana facility. He stated that recreational facilities should be more restrictive in the zoning district locations.

Member Ziembra stated that she would like to see the town restrict people from smoking marijuana in public places. In response to her concern, he told the Board members that the town could try to ban smoking marijuana in parks or public areas.

Mr. Mazzucco displayed the town's zoning map for the Board members to view. He suggested that they should limit the zoning district for the medical dispensaries to the B-1, B-2 and Industrial Districts which would cover the "entire Rt. 8 corridor."

Bruce Shepley, seated in the audience speaking as a health care professional stated to the Board members that marijuana was "looked at as a medication for treating pain." He told them that they should look at the retail sale of medical marijuana similarly as they would view a pharmacy that dispensed prescription medication. He further noted that medical marijuana required a prescription from a physician to treat their medical conditions emphasizing to the members that they should be aware of the fact that the same standards should apply to medical marijuana dispensaries.

Mr. Mazzucco stated to the members that the town would only be allowed to choose setback requirements within their locations. He stated that in a business district there are not many regulations that a town could mandate, adding that most dispensaries are very professionally created.

Chief Tarsa wanted the Board members to know that the business "has to be established in such a way that the general public cannot see the product inside the business." He told them that the town has to supply ample off street parking and provide dispensaries with the ability to have "proper disposal of their product." Chief Tarsa emphasized to the members that the discarded marijuana was generally disposed of in "fenced off areas in the back of a building" which he mentioned to them could create an odor when the marijuana breaks down. He cautioned members by letting them know that this could occur if the dispensaries were allowed to locate their businesses in the downtown areas. Mr. Mazzucco responded by stating to the Board members that the state does regulate the disposition of the product. He reminded the members that the town was only allowed to require zoning districts, setbacks and special permit requirements. Chairman Moderski told Mr. Mazzucco that the Board needed to address the "disposable requirements" which were set by the state.

Member Ziembra was curious to know if the town would benefit more from delivery services of stating that home delivery was already incorporated in the state's regulations. Chairman Moderski stated that it would be convenient for customers if the recreational marijuana was located in the same area but she could foresee the parking situation would change. She stated that a "free standing area" would be more convenient for customers to drive-in and acquire their prescriptions. Mr. Mazzucco addressed Chairman Moderski by stating that the town could require that home delivery would need to be offered in the future ordinance.

Member Krzeminski would like to know what type of security would be offered for home delivery options. Mr. Mazzucco stated that the state's security would be overseeing any impact it could have on the community.

Chief Tarsa took a moment to read a list of procedural requirements to the Planning Board members that would be necessary for businesses to follow when making home deliveries.

Bruce Shepley stated to the Planning Board members that controlled substance abuse has decreased in the last 30 years. He told them that you would hope there was “integrity” amongst the handlers of the medication. Chief Tarsa wanted the Board members to know that the state can revoke their business license if they do not comply with all requirements set.

Joseph Nowak, Adams Selectboard stated to them that there was a gentleman delivering prescriptions for a pharmacy in Adams who had not experienced any problems making his daily medication deliveries to the customers. Mr. Nowak continued to state that any business interested in offering pain reduction to help treat people with their ailments should be encouraged to come to town. He also noted that the retailers should be accessible for customers who travel by public transportation.

Member Rhinemiller addressed Chief Tarsa to ask him if he thought adequate state laws were in place at this time to address these concerns. He stated to him that it would be a “big mistake to put this business on Park Street.” Chief Tarsa stated that the “reality of the situation is that, “it’s going to happen.” Chief Tarsa recommended to the Planning Board that they include guidelines and restrictions in their future bylaw. He distributed copies of a proposed bylaw that he created for the Planning Board members’ review. He told them that “word usage could govern medical marijuana, as well as a glossary of terms regarding the product to be addressed.” He emphasized that the town should include the requirement in their bylaw stating that medical marijuana dispensaries be 500’ from where children congregate. He reminded them that town council would review this. Chief Tarsa suggested to the Planning Board members that they seriously consider looking into the proposed bylaw that they create understanding that “at the end of the day, it will be what’s in the best interest of the Town of Adams.”

Mr. Mazzucco emphasized to the Board members that the state “overcedes” most decisions that are made regarding medical marijuana dispensaries. He told them that marijuana was legal therefore the town would have very little control over the state regulations other than zoning districts. Chief Tarsa stated that the town could make the 500’ rule set for a lesser distance as well. Mr. Mazzucco stated to the members that the town could cease distributing their liquor licenses to package stores in Adams if they so choose however the town could not make those decisions with marijuana dispensaries.

Member Rhinemiller showed concern over high intensity lights in a manufacturing facility that was combined with residential use. Mr. Mazzucco stated that they would have to comply with building codes. Mr. Shepley, seated in the audience stated to them that he felt the regulations would be standardized for communities.

Mr. Mazzucco stated that in the community there are “alcohol challenges as well, but the town does not incur strict regulations on alcohol consumption.” He told them the town should not “get in the way of business, when the town so desperately needs them and this is the law, so what are we fighting here?” Chief Tarsa addressed the Board members to remind them that law enforcement “does not have any tools in its toolbox regarding operating under the influence of

marijuana.” He told the members that it was very important for the Board members to establish the guidelines in the bylaw before a medical marijuana facility opens for business in Adams. Chief Tarsa stated to them that the “bylaw you craft will ultimately protect the town in the long run.” Chief Tarsa told the Board members that he would be working with the state to uphold these “very strict guidelines.”

Mr. Mazzucco continued to let the Board members know that they should consider the location of the medical dispensary in B-1, B-2 and the Industrial Districts. Board members view the zoning bylaw map with Mr. Mazzucco.

Member Rhinemiller asked Mr. Mazzucco if the town could restrict a facility that was interested in locating in the Business and Industrial Districts from locating “where residents are involved,” adding emphasis on a “grow facility.” Mr. Mazzucco answered him by stating that he would look further into these types of issues. He wanted the Board members to understand that the owners of these businesses invest a lot of money to conduct them and strongly adhere to the state’s regulations to avoid being closed by them for non-compliance to state regulations.

Mr. Nowak stated to the Board members that drug use seemed to become part of the “culture.” He said strong drug use is very prevalent and very addictive which is “killing people.” He told them that having recreational marijuana may assist in keeping them from using drugs such as heroin or fentanyl. He said marijuana will not “kill them like the highly addictive drugs” that have been taking lives in the area.

Member Rhinemiller asked Mr. Mazzucco if there were regulations imposed on the owner for delivery protocols. He answered him by stating that grow facilities are regulated by the state before they deliver to medical marijuana facilities. He continued to ask him if they had restrictions on the amount that can be delivered at one time. Chief Tarsa wanted them to know that the transporter of the marijuana to the facilities has to maintain “continuance, non-stop radio communication from point a to point b.” Chairman Moderski mentioned that she did not like the idea of the marijuana delivery taking place on the main street. Mr. Mazzucco stated that if the Board considered that, they would have to understand that “like businesses” would not follow those regulations so he told them that they have to be cautious setting those types of restrictions on the marijuana business. Member Krzeminski showed concern about the odor coming from a medical marijuana facility.

Chairman Moderski stated to the Board members they would have to look at “the whole picture” when establishing their bylaw. She told them “where they permit the medical marijuana facility to operate is where the recreational facility owners would have the first choice” to locate at that site. Mr. Mazzucco agreed with Chairman Moderski but explained to her that to “delay to long and try to be too smart about it it’s going to happen and we will lose any control whatsoever.”

Member Krzeminski was curious to know if they could inquire about other areas such as Northampton, MA who had marijuana facilities and obtain information from their city to see how they have managed. Chief Tarsa answered him by stating that they could contact their Board of Health or government offices and speak with them regarding any issues they may have had.

Chairman Moderski wanted to know if a "grow facility" could be allowed outside of a building. Chief Tarsa answered her by stating that the state could allow this however they would be required to follow the same regulations that would apply a medical marijuana dispensary.

Mr. Mazzucco stated to the Board members that he would further address their questions and concerns at their future meeting as he gathered more information to assist them with creating their marijuana bylaw.

OTHER BUSINESS:

Mr. Mazzucco wanted to know if the Board members could commit to their monthly meetings as well as holding a second meeting to allow available meeting times for continued workshops. He also stated that if the town had an applicant who was interested in presenting their application to the Planning Board but could not meet scheduled deadlines, would they consider being available to accommodate them. In response to Mr. Mazzucco's request, Chairman Moderski stated to him that it was unfortunate for the applicant that could not meet their timelines but the Planning Board would remain hearing application requests only on the 4th Monday of the month as they have always done. Mr. Mazzucco suggested to Recording Secretary, Ms. Gerry to contact him in the middle of the months ahead so he could work on an agenda for their upcoming meetings with Donna Cesan and Building Commissioner Don Torrico from a workshop perspective.

Joseph Nowak stated that he thought it would be a good idea for the Planning Board to meet twice a month in the future as Town Administrator Tony Mazzucco suggested to them. In response to Mr. Nowak, Chairman Moderski told him that the Board members would readdress their request in the future.

Chief Tarsa thanked the Board members and encouraged them to contact him with any questions they may have to help assist them in crafting their own bylaw.

ADJOURN: A motion made by Member Rhinemiller, seconded by Member Ziemba to adjourn the meeting at 9:00 a.m., passed unanimously.

Respectfully Submitted,


Pamela Gerry, Recording Secretary

10-31-17
Date