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18 MAR -1 PM 12:42 **ADAMS PLANNING BOARD
MEETING MINUTES**

TOWN CLERK
ADAMS MASS.

MONDAY, DECEMBER 18, 2017

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

MEMBER ABSENT: Chairman David Rhinemiller

OTHERS PRESENT: Adams Selectboard, Chairman John Duval, Joseph Nowak and Christine Hoyt; Adams Police Chief Richard Tarsa, Jr.; Community Development Director/Interim Town Administrator, Donna Cesan; Adams Zoning Board members, Michael Mach and Francie Riley; Jack Guerin, iBerkshires and Building Commissioner, Don Torrico

CALL TO ORDER: Vice-Chairman David Krzeminski called the meeting to order at 7:00 P.M.

Proposed Zoning Bylaw Changes

In conformance with the provisions of M.G.L. Chapter 40A, Section 5, the Adams Planning Board will hold a Public Hearing on **Monday, December 18, 2017 at 7:00 p.m.** at Town Hall, 8 Park Street, Adams, Massachusetts. The purpose of the public hearing is to provide interested persons or parties with the opportunity to comment on proposed amendments to the Adams Zoning Bylaws to create a new Article IV, Section 125-35 "Licensed Marijuana Establishments" to: i) provide for the placement of licensed marijuana establishments in suitable locations in Adams, in recognition of and in accordance with "The Regulation and Taxation of Marijuana Act," G.L. c. 94G, in order to minimize potential adverse impacts of marijuana establishments; and ii) locate licensed marijuana establishments by providing standards and requirements for regulation, placement, and operation of licensed marijuana establishments in a manner that mitigates potential negative impacts on the general safety, welfare and quality of life of the Town's neighborhoods and the broader community. A complete copy of the proposed changes is on file and may be viewed in the Office of the Town Clerk during regular business hours, M-Th 8:30 AM to 5:00 PM, 8 Park Street, Adams, Massachusetts.

Vice-Chairman Krzeminski invited Donna Cesan, Community Development Director to address the Planning Board members. Ms. Cesan began the discussion by stating to the public audience that the Planning Board members were present to consider the proposed bylaw amendments regarding licensed marijuana establishments. She addressed the members by explaining to them that the proposed amendments would create a new section in the town's zoning bylaw under §125-35, "Licensed Marijuana Establishments," with subsections "A through H" of the proposed amendments being added to the existing bylaw section under §125-50, Attachment 1 in the town's "Intensity of Use Schedule" which she stated would be amended under "Business Uses" while adding the "Licensed Marijuana Establishments." Ms. Cesan continued to state that the proposed amendments have been established over the past several months by Planning Board members to "encourage location and development of marijuana businesses in Adams, both

medical and recreational marijuana.” Ms. Cesan explained that the proposed bylaw would allow licensed marijuana businesses to be located primarily in the Industrial (I) District with sections of the bylaw addressing “locational criteria, operational standards, and information” required for the Planning Board’s review. Ms. Cesan submitted an overview of the summary of changes to the Board members. She further stated that “Definitions” were provided for the different types of medical marijuana establishments in the MA General Law Chapter 94G. She stated that the new bylaw would allow licensed marijuana establishments “by right” in the Industrial (I) District. She explained to them that Special Permits would be required in the town’s Industrial Park (IP) District, for independent marijuana testing laboratories, as well as in the Business (B-2) District for marijuana retailers. Ms. Cesan explained further that marijuana establishments would be “prohibited in all other remaining zoning districts.” She stated to them that bylaws contained specific standards for licensed marijuana retailers such as “hours of operation, signage setbacks and security measures.” She continued to note that there were specific requirements for Special Permits adding that the Planning Board would be the “Special Permit granting authority.” Ms. Cesan told them that all marijuana establishments were subject to Site Plan Review and various other requirements for Site Plan Approval.

Ms. Cesan addressed the Board members and the public audience to offer them an opportunity to address her with any questions they had regarding the proposed bylaw.

Member Moderski thanked Ms. Cesan for her work on the bylaw changes and stated to her that she had reviewed them over several months, adding that she was in “agreement with them.”

Member Stohlmann addressed Ms. Cesan by asking her for clarification regarding a change to the draft bylaw in portion of “Section H” of the proposed draft. She explained to her that it was in regards to a “municipal law issue.” Ms. Cesan stated there are indemnification requirements in contracts but she stated that after speaking with Attorney Dubendorf, Ms. Cesan told them that “it was well covered and he had never seen an indemnification standard in a bylaw.” Ms. Cesan emphasized to them that he felt the “town was protected already and that it was unnecessary.”

Member Ziemba thanked Ms. Cesan for her efforts on the bylaw changes stating to her that she thought “it was a good draft.”

Vice-Chairman Krzeminski stated that he would open the meeting to the public for further comments.

Adams Police Chief Richard Tarsa wanted to take the opportunity to thank Donna Cesan and the Planning Board members for their “hard work” over the past few months. He stated that “there was a lot of positive input with give and take on all sides,” adding that it was a “well worded document.”

Adams Selectboard Chairman, John Duval addressed Ms. Cesan to ask her what the next phase of the bylaw process would entail in order to move forward. Ms. Cesan answered Mr. Duval by telling him that once the Planning Board adopted the bylaw, it would move to Town Meeting. She continued to state that if the Town Meeting members voted to approve the proposed bylaw the town would be required to submit the bylaw to the Attorney General’s Office. Ms. Cesan

stated to Mr. Duval that within a few months, the Attorney General's Office would respond to the Town of Adams "identifying any issues" or allowing the town to move forward on their proposed bylaw within two to three months.

Francie Riley, Adams Zoning Board member seated in the audience addressed Ms. Cesan to clarify the timelines of the proposed bylaw. She was curious to know if the Annual Town Meeting was scheduled during the summer months, would this allow a marijuana facility to begin their operations soon after. Ms. Cesan stated to her that the Board of Selectmen would be scheduling a Special Town Meeting prior to the Annual Town Meeting which would be held in June, adding that this would make the process move faster.

Vice-Chairman Krzeminski closed the public meeting.

A motion made by Member Ziemba, seconded by Member Moderski to accept the licensed marijuana establishment zoning bylaw with all the appropriate changes discussed by the Planning Board, as of December 18, 2017, as presented, passed unanimously.

OLD BUSINESS/NEW BUSINESS: Form A-50 Melrose Street, property owned by Michael T. Duda was presented to the Board members for their signatures. Building Commissioner Don Torrico reviewed the plans briefly with the Planning Board members.

SET NEXT MEETING DATE: The Board members scheduled their next meeting for January 22, 2018 at 7:00 P.M.

ADJOURN: A motion made by Member Stohlmann, seconded by Member Moderski to close the meeting at 7:20 P.M., passed unanimously.

Respectfully Submitted,


Pamela Gerry, Recording Secretary

3-1-18
Date