

**Charlemont Planning Board
November 29, 2018 Meeting Minutes**

Members Present: Bill Harker, Co-Chair, Gisela Walker, Carlene Hayden, Bob Nelson.

Members Absent: Robert Malone

Others Present: Pat Smith; FRCOG

Call to Order

Planning Board Co-Chair Bill Harker called the meeting to order at 6:30 p.m.

Approval of Minutes

The Board reviewed the minutes from their meeting of 11/15/2018. On a motion by Harker and seconded by Hayden, the minutes were unanimously approved as written.

#1; Crafting of Adult Use Marijuana Regulations

Pat Smith passed out and explained changes to the draft regulation, as discussed at their last meeting. The Board reviewed Smith's draft and made the following changes/suggestions:

- All marijuana uses under Agricultural uses will be moved to under Business/Commercial Uses in the use table.
- Medical Marijuana Cultivation Only was added to this draft and is listed under Industrial uses.
- All uses except retailer will be allowed in the Rural Residential (RR) district only.
- An overlay map was reviewed that highlights the 1/8th mile area north of the Deerfield river along Route 2. This is proposed to be the Marijuana Retail Overlay District, and includes the village center.
- The area outside of this highlighted area could be the area allowed for cultivation. The size of the greenhouses will be limited to 20,000 square feet, though there was discussion that this should perhaps be lot size or location dependent.
- The building footprint cap for a retailer will remain at 3,000 square feet.
- Independent testing lab use will be moved from Business/Commercial uses to Industrial Uses in the use table, with a square foot cap of up to 6,000 and will be No in the Village Center (VC) district.
- The 500-foot distance for retail shops from schools will remain, since this distance is also used by the Board of Health.
- We will allow two to three licenses for retail stores.
- Since some of the Medical Marijuana Overlay District (Section 46) bylaws and requirements overlap with the adult use bylaws (proposed Section 47), Section 47 will be folded into 46.
- Social consumption is not addressed/allowed by state guidelines and this section will be removed altogether from the bylaws until such time as the CCC permits and regulates them.
- We will allow outdoor growing if it meets the state requirements.

Also discussed was the process for obtaining an adult use marijuana operation permit, which is as follows:

1. Obtain a host agreement with the Town
2. Obtain a license from the CCC
3. Obtain a Special Permit
4. Obtain a permit from the Board of Health, if applicable.

Having completed our review of the draft with key questions, Pat Smith will develop a 3rd draft and the Board will continue working on the next draft on Wednesday, December 19th 2018 at 6:30 p.m.

Item #2: Vote on Budget Request

The Board discussed that with the recent instituting of their revolving account, their past expenses were very close to the fees they took in and therefore on a motion by Walker and seconded by Nelson, the Board voted unanimously to reduce their budget from \$850. To \$500.

Item #3: Upcoming Hearing for Communication Tower on Zoar Road

Walker stated that because the hearing date for the communication tower fell on the same evening as the Special Town Meeting, they will open the hearing and continue it to Tuesday, December 11th at 7:00 p.m. The Board may need to hire a consultant at the owner's expense to address/prevent runoff issues onto the road, which has historically been an issue. The Board set a site visit of the property for Saturday, December 8th and will meet at the Town at 9:00 a.m. Walker will contact the owner to let him know.

#4: Proposed WiValley Communication Tower on Legate Hill Road

The Board shared that in their discussion with Town Counsel, it was Counsel's opinion that because the communication tower will be sited within a public way, it will not be under Planning Board's jurisdiction, as telecommunication facilities which are located within a public Way are not subject to zoning bylaws. The tower, however may be subject to a hearing with the Select Board, who has custody and control over the public ways in the Town.

Adjournment

On a motion by Harker and seconded by Walker, the meeting was adjourned at 9:34 P.M.

Respectfully submitted,
Carlene Hayden

Documents viewed in the Planning Board meeting of 11/29/2018*

1. Agenda for meeting of 11/29/2018
2. Minutes from meetings of 11/15/2018
3. Draft of proposed Adult Use Marijuana Zoning Bylaw Amendments; 11/26/2018
4. Fiscal Year 2019 budget request letter; 11/15/2018
5. Email from Town Counsel with opinion on WiValley communication tower; 11/20/2018

*Documents are stored in their respective files