

**Charlemont Planning Board
September 30, 2019 Meeting Minutes
Hawlemont Regional School**

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

Others Present: Marguerite Willis, Jay Healy; Select Board members, Ivy Palmer, Phil & Mary Ellen Banks, Tony Walker, Kenneth Hall, Robert Dolan, Janice Boudreau.

7:00 P.M.: Public Hearing for Proposed Zoning Bylaw Revisions for Adult Use Marijuana

At 7:00 p.m., Chair Harker opened the public hearing for the proposed revisions to the Zoning Bylaws pertaining to adult use marijuana. It was explained that this is a second hearing on the proposed revisions as there were some changes made from the first hearing in the layout of the Use Table, as well as by adding the purpose and location of the districts, which was inadvertently dropped from the last rendition.

Walker explained that the former Medical Marijuana Overlay District has been collapsed into the proposed Adult Use Marijuana Establishments and Medical Marijuana Bylaw (section 46). After pointing out the 15 new definitions for marijuana use, she then showed a map of the proposed districts and explained which type of marijuana-related activity could be conducted in each, with a 1/8 mile (660') setback from Route 2. She noted that testing labs, research and delivery would be in the more commercial areas of the Route 2 corridor.

Public Comment:

Ivy Palmer stated that she is considering cultivation but the Cannabis Control Commission's marijuana regulations were already very restrictive and that the Planning Board was overstepping in telling landowners what they could do with their land. She stated 1/8 mile setback would preclude her from being able to grow on her property. Nelson explained that the Board proposed the setback to preserve the scenic view along Route 2 from *greenhouses* being clustered in the scenic district, especially as these greenhouses do not look anything like what we associate with greenhouses but can be large commercial structures with security fences. Ivy Palmer cited a section of the CCC regulation which states that no part of the marijuana-related indoor activity can be visible to the public eye and said she has a very good screen on her property. She felt that the Board shouldn't include outdoor cultivation in the restriction, as it could make it very difficult for some who want to cultivate in this area. Nelson explained that outdoor cultivation of marijuana is highly regulated as far as fencing, security, and odor control is concerned.

Jay Healy stated that 1/8 of a mile setback seems very restrictive and added that this is where the most fertile soil is; he also stated it would be difficult for struggling farmers if they couldn't grow anything in this area. Walker explained that the setback only pertains to marijuana-related activity, not agriculture, and that it doesn't include hemp, which is considered agricultural by the State. He asked if marijuana were to be characterized as agriculture, would it still be subject to the setbacks and Walker replied that it would but that bylaws can be changed should the State declare marijuana an agricultural crop. She noted that the Board was just trying to prevent unsightly industrial buildings along the scenic sections of the corridor.

Robert Dolan and Janice Boudreau cited concerns with the security requirements of the CCC requiring illumination, as well as the effects of the odor and sound to abutting properties of these operations.

There was discussion as to the pros and cons of siting social consumption/café in the various districts, with varying opinions on whether they should be allowed in the rural residential district. Phil and Mary Ellen

Banks stated they have a concern with the cafés in that they already have many issues on their property with trespassing, noise and injuries from the river traffic; allowing café's on or near the river could be a real problem.

There being no further questions or comments from the public, on a motion by Harker and seconded by Walker, the public hearing for the zoning bylaw revisions was closed at 8:30 p.m.

Based on the public input received, the Board decided to allow some uses by Special Permit.

Favorable Report:

After further discussion, Walker made a motion that the Charlemont Planning Board issue a favorable report on the proposed zoning amendments to address Adult Use Recreational Marijuana and Medical Marijuana Establishments and to recommend their adoption to Town Meeting. Nelson seconded and the motion was approved unanimously.

Respectfully submitted,
Carlene Hayden

Documents Viewed in Public Hearing of 9/30/2019

1. Public Hearing Notice for Proposed Adult Use Marijuana Zoning Bylaw Amendments; 9/30/2019
2. Proposed Adult Use Marijuana Zoning Bylaw Amendments, for Special Town Meeting; 9/10/2019
3. Potential Zoning District Changes map; 9/10/2019
4. Email from Peggy Sloan, FRCOG with suggested language for favorable vote; 9/30/2019
5. Excerpt from Cannabis Control Commission regulations on adult use marijuana