



Town of Southwick

Planning Board

MINUTES



MARIJUANA SUB-COMMITTEE

MINUTES

August 29, 2017

MEMBERS IN ATTENDANCE:

Marcus Phelps, Chair
Doug Moglin, Vice Chair
Dr. Jerry Azia
Michelle Ackerman
Ryan Pease
Alan Slessler, Town Planner

ABSENT:

St. John Donnie McGrath
David Ricardi

The regularly scheduled meeting of the Marijuana Subcommittee was called to order at 7:00 p.m. by Mr. Phelps. He stated that the meeting was being recorded and asked if anyone in the audience was recording the meeting.

PUBLIC COMMENTS:

Mr. Demonic Faretra spoke at random during the meeting.

Marijuana zoning Bylaw

Discussion

Mr. Phelps said at this time the Committee does not know what regulations the State Cannabis Control Committee will create. The Committee looked at a draft marijuana bylaw dated August 29, 2017. He said the plan was to review each item and make changes that would apply to Southwick. He has already reviewed the document and said the additions were bold and deletion sections were underlined. The beginning of the document consisted of definitions.

The definitions are:

- Registered Medical Marijuana Dispensary (RMMD)
- Registered Recreational Marijuana Dispensary (RRMD)
- Off-Site Medical Marijuana Dispensary (OMMD)
- Off Site Recreational Marijuana Dispensary (ORMD)

The Committee discussed if there should be a definition for a growing facility. Dr. Jerry Azia said he felt the Committee was making the zoning bylaw too large and complicated. He felt the draft bylaw before the Committee is too detailed. He said if we leave it in the Adult Entertainment zone it would be fine. He said the Committee should just decide where it is supposed to be placed in Town. Mr. Phelps said that marijuana is allowed anywhere in Town if there is no zoning bylaw. He said he agreed it is too wordy but the Committee can work on downsizing the document. Mr. Moglin asked if these definitions came from the State. Mr. Phelps said yes except the Recreational which he added. Mr. Moglin explained how the Town zoning

laws worked and the role the Planning Board played in the creation of those bylaws. He reminded the Committee that the Planning Board has no enforcement powers. That goes to the Southwick Zoning Enforcement Officer.

The discussion continued as to where Committee members felt would be an appropriate place in Town to sell marijuana. Mr. Pease asked how the Marijuana Moratorium will go away. Mr. Moglin the bylaw expires in June 2018. He explained if a Marijuana Zoning By law is brought to the Annual Town Meeting and passed the the next step would to vote down the Moratorium at Town Meeting. Mr. Moglin said that he thinks the production of Marijuana is required by the State to be in an Industrial Zone (I) and Industrial Restricted (IR) Zone. It cannot be allowed in any other zone. He asked if it still needs to be defined. The Committee reviewed the zoning map. They continued to review the Marijuana draft Bylaw. Mr. Azia said he wanted language to read without negative connotation. Mr. Slessler said that he thinks Dr. Azia is saying it should state what areas it is allowed. Mr. Pease asked why the Committee could not put the name of the Town of Southwick on the top of the Town of Franklin which is a simple bylaw. Mr. Slessler said that medical marijuana is tested for purity where as regular marijuana could have THC in it. The Committee reviewed the second section under purposes. Mr. Phelps suggested the "Offsite" be changed to "Dispensary". Mr. Phelps said the Recreational Marijuana will be used in the Industrial zone by right. Mr. Slessler said that medical Marijuana must be tested for THC but recreational Marijuana need not be tested. A discussion about whether a Marijuana store could sell other products like tee shirts. The next item for discussion was whether Marijuana could be consumed or smoked on the site. The next item for discussion was the hours of operation. Mr. Phelps wrote the businesses could operate between 8 a.m. to 8 p.m. He said he removed item three because marijuana cannot be grown in an agricultural zone. He said the next item talks about the facility structure. Another item discusses ventilation. Medical Marijuana facilities are required to have a sign in plain view indicting that they are a registered facility. Mr. Phelps said it can be eliminated because it is required by State law. The next topic discussed is the required 500 feet distance from another structure such as schools, churches and other faculties except in the Industrial Restricted Zone (IR). He said he is assuming it will be allowed in the Business zone. Mr. Slessler displayed a map of the Industrial Restricted zone which the Committee reviewed. Mr. Phelps said it will be restricted to 500 feet from a residential area. Mr. Pease said he would rather it be restricted in the Business Restricted Zone (BR). Mr. Phelps said that Item E is somewhat procedural. Mr. Moglin said a Special Permit runs with the land. He said some State law comes into play. If an individual sets up marijuana business complete with Special Permit and sells the building the Permit goes to the next owner. After the discussion E was erased. F the topic requires a renewal of the Special Permit. Mr. Moglin said the renewal can be done. He said how often a renewal is required is arbitrary. Item H discusses a required bond. Item I is an additional requirements other than Chapter 185. Mr. Phelps said the items listed are included in the application to get a Special Permit. Mr. Moglin said the Department of Public Health is going to have regulations for Marijuana. The only thing the Planning Board will look for is parking and front, back, side's distances of the building on the lot. They took out 7, 8, and 9 because other departments are responsible for these items. The discussion continued.

August 8, 2017

Minutes

A MOTION was made by Mr. Pease and seconded by Mr. Moglin to accept the minutes for August 8, 2017. The motion passed unanimously.

The next meeting was scheduled for August 19, 2017

Being no further business to be brought before the Board, **A MOTION** was made by Mr. Moglin, **SECONDED** by Mr. Pease to adjourn at 8:30 p.m. Vote was unanimous.

Marcus Phelps_____

Chair

Doug Moglin_____

Vice Chair

Dr. Jerry Azia_____

David Ricardi _____

Michelle Ackerman_____

Ryan Pease_____

St. John Donnie McGrath_____

Respectfully submitted,
Ruth Preston
Planning Board Administrative Assistant

CC: Town Clerk - SelectBoard - Historical Commission - Board of Assessor - Board of Appeals - Building
Inspector - Water Department – DPW - EDC – Agricultural Commission

Email: Safety Officer, Park and Recreation, Conservation Commission, Health Director, Fire Department, Cemetery
Commission