



# *Town of Southwick* **Planning Board**



## **MARIJUANA SUB-COMMITTEE MINUTES August 8, 2017**

### **MEMBERS IN ATTENDANCE:**

Marcus Phelps, Chair  
Doug Moglin, Vice Chair  
Dr. Jerry Azia  
Ryan Pease  
Michelle Ackerman  
St. John Donnie McGrath

### **ABSENT:**

David Ricardi  
Alan Slessler, Town Planner

The scheduled meeting of the Marijuana Sub-Committee 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. Dominic Faretra visited the committee and introductions were made. Mr. Faretra had done some research on how other states have worked with marijuana. He visited a small Town similar to Southwick in Arizona. He said last year they received in tax revenue \$335,348 from recreational marijuana sales and in medical sales they received \$163,020. He did not know what the tax rate was in Mass. He talked about the 9000 dispensaries in Colorado. He was impressed with the number of jobs it created with a variety of salaries. He said marijuana project could bring in a lot of revenue to Southwick. He said when he was young he smoked marijuana. He said in the communities he visited it was no big deal. He wonders why the money should be given to street dealers and other committees when it could go to the Town. He feels that if it is controlled by the Town the pot could be made safe. He wants responsible dispensaries opened in Southwick. Mr. Phelps said that the Planning Board scope is limited. There will be other Agencies like the Police Department, the Health Department and the State that will set up guidelines. He said this Committee's focus is to create a zoning bylaw that will determine the locations of the facilities. He said this subcommittee will report to the Planning Board. The Planning Board will hold a public Hearing for the bylaw that will be proposed. The proposed by law will be a warrant article at the Annual Town Meeting for the voters to approve. He said a 2/3 vote is required for the voters to pass a bylaw. There was a discussion that if medical marijuana was allowed in a zone. Would recreational marijuana also allowed in the same zone. He said we do not know the answer at this time.

Mr. Pease asked if we would be addressing recreational marijuana. Mr. Phelps said that is part of the plan. Mr. Moglin said there will probably be two bylaws or one that incorporates all phases of marijuana. Mr. Azia asked what would happen if at Town meeting the people say they do not want to have it in Southwick. Mr. Pease said that if the Town voted for it which Southwick voters did then the Town cannot refuse to have it. Mr. Moglin said there were two articles regarding marijuana on the ballot. One was for medical and the other for recreational and they both passed. He said that without zoning regulations marijuana they could locate anywhere in Town. Zoning at least is restrictive to an area in Town. Mr. Pease said the State will allow a Town to write a more restrictive law but will not allow a less restrictive

law. He said he does not want it near the schools. He said at least if a person is buying from a license dispensary where they know they are getting a good product. Mr. Phelps said that in our briefing paper we have a target of February 1018. The Planning Board will then have a Public Hearing. The Town Attorney will review the proposed bylaw. Then it will go to Town meeting in May for a vote. The Attorney General will then have the final say before it becomes an approved Town Bylaw. Mr. Phelps said that at the moment the intent is to locate all marijuana production in the Industrial Zone (I) and the Industrial Restricted Zone (IR).

### **Update on Recreational Marijuana State Law**

Mr. Phelps said all we have in hand is the 75page document which is not easy to read. He said he hoped by the next meeting we would receive a final copy which is easier to read. This will help as we move forward and develop a comprehensive bylaw for medical and recreational .marijuana. He said the State has indicated it will be authorizing licenses in April of 2018

### **Review of Draft Marijuana Bylaws**

Mr. Phelps said the Committee has two draft bylaws. One bylaw designed by Mr. Slessler using the Adult Entertainment bylaw as a model which has separation of 1,000 feet from the nearest residence. He said the Committee must think about sales and production and distances from residential. Mr. Phelps said he wrote a draft bylaw based on the Pioneer Valley Planning Commission (PVPC) bylaw. He said this focuses mainly on medical marijuana. He said hopefully they will draft recreational marijuana. He said there is not enough information to put it in now. He said one stipulation he noticed was a thousand feet from the nearest residence. He said the committee has to think about recreational, sales, growing and distances from residential areas. The Committee discussed the possible size of structures and customer service area. He said there is something in there that says an offsite medical marijuana distribution site may be in another zone. The Committee must decide where they can be located and the hours of operation. Mr. Phelps said the Committee is discussing page three item E which states a facility shall not be located on a parcel a specific distance to schools, libraries and youth operated facilities. Item two is the distance between them. So a production facility could be next to a distribution center in the Industrial zone. Facilities must be at least 500 feet from a residential use. He said #3 could be written residential zone. He said we may want zone instead of use. He said F is about reporting requirements. He said he does not know if they belong in a zoning requirement. Mr. Moglin said the Planning Board is not the enforcement authority for this. They are about zoning. Mr. Pease brought a copy of the Franklin Mass. bylaw for a grow facility already in place A copy was given to each committee member. Mr. Phelps said if a comprehensive State law arrives it will be distributed to the committee members.

Mr. Phelps said we have a copy Recreational Marijuana Bylaw/Ordinance House # 3818.

### **Approval of Minutes**

**A MOTION** was made by Mr. Pease and seconded by Mr. Moglin to approve the minutes of June 27, 2017. The motion passed unanimously.

### **Action Items for Next Meeting**

Mr. Moglin said he heard the State does not consider the growing of marijuana as agricultural production. Mr. Phelps reminded the Committee to review the draft zone bylaws and bring ideas for changes. The next meeting is scheduled for August 29, 2017 at 7:00 p.m.

Being no further business to be brought before the Board, **A MOTION** was made by Mr. Moglin, **SECONDED** by Mr. Pease to adjourn at 8:10 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  
Marijuana Sub-Committee 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