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**MEETING MINUTES**  
**GEORGETOWN PLANNING BOARD**  
**Wednesday, September 18, 2013**  
**Memorial Town Hall – 3<sup>rd</sup> Floor**  
**7:00 p.m.**

**Present:** Mr. Harry LaCortiglia; Mr. Christopher Rich; Mr. Watts (arrived at 8:15 PM); Mr. Tim Howard (arrived at 7:41 PM); Mr. Howard Snyder, Town Planner; Ms. Wendy Beaumont, Administrative Assistant.

**Absent:** Ms. Tillie Evangelista

**Meeting Opens at 7:42 PM.**

**Vouchers:**

1. **H.L. Graham & Associates: Bank of America.**
2. **H.L. Graham & Associates: Lisa Lane OSRD.**
3. **Gate House Media: Legal Notices.**

Mr. Rich - **Motion** to approve and pay the vouchers. I suggest that the Planning Board pay the 124 Tenney Street public notice as it had to be re-noticed and it was an error on our part.

Mr. Howard - **Second.**

**Motion Carries: 3-0; Unam.**

**Public Hearing:**

1. **Park and Recreation: East Main Street Major Outdoor Active Recreation Facility - Continued.**

Mr. LaCortiglia - This public hearing is now open.

Mr. Snyder - The Planning Office received a request from the applicant to continue the hearing.

Mr. Rich - I would like to request a continuance for this hearing.

Mr. Rich - **Motion** to extend the hearing (Form H) to December 31<sup>st</sup>.

Mr. Howard - **Second.**

**Motion Carries: 3-0; Unam.**

Mr. Rich - **Motion** to authorize Mr. LaCortiglia to sign Form H for the clerk.

Mr. Howard - **Second.**

**Motion Carries: 3-0; Unam.**

Mr. Rich - **Motion** to continue this public hearing to October 23, 2013.

Mr. Howard - **Second.**

**Motion Carries: 3-0; Unam.**

48 **2. Artisan Development, LLC: Lisa Lane OSRD - Continued.**

49 Mr. LaCortiglia - We are now opening this public hearing.

50

51 Ms. Mann - We are here to ask to close the public hearing on the preliminary plan as we have  
52 received Mr. Graham's comments which were overview comments. We don't have all the  
53 information needed for the definitive plan. The one thing I want to present to you is a  
54 general overview after receiving letters from abutters. The Supreme Court provides for a  
55 landowner that you cannot force a land owner to provide the benefit to another land owner in  
56 regards to landlocked properties.

57

58 Mr. LaCortiglia - That sounds like something we can take this up in the definitive when and  
59 if you chose to file.

60

61 Ms. Mann - I agree. I can provide you with case law in regards to this if you would like to  
62 see it.

63

64 Mr. Rich - I would like to see it. Don't you think that conflicts with MA laws?

65

66 Ms. Mann - No. As a matter of fact MA has a case that went up to the Supreme Court. We  
67 are not land locking them, they landlocked themselves. They are already land locked - we  
68 did not do that. I can give you details.

69

70 Mr. LaCortiglia - Sounds like that would be for the definitive plan review process.

71

72 Ms. Mann - This evening we are looking to close out the preliminary because we do intend to  
73 file the definitive subdivision plan shortly.

74

75 Mr. LaCortiglia - In that case is there anyone in the audience who has comments?

76

77 Ms. Grosslein - What does it mean when the preliminary is done?

78

79 Mr. LaCortiglia - Basically it means that the zoning is locked up. If we decide to take this  
80 land at town meeting to modify the zoning and the preliminary was already on file, the  
81 applicant would then be grandfathered and protected from the zoning change for 7 years.  
82 But once the definitive comes in that's when the real details come in and all the concerns  
83 we've heard will be addressed.

84

85 Mr. Rich - Nothing in the project is being allowed by this.

86

87 Mr. LaCortiglia - Yes, this is preliminary nothing definitive.

88

89 Mr. Rizza - As far as the studies we've requested...

90

91 Mr. LaCortiglia - All comes with the definitive plan.

92

93 Mr. Rizza - This has nothing to do with the Conservation Commission? Are you voting  
94 tonight?  
95

96 Mr. LaCortiglia - No it is separate from the ConCom. I am hoping to close this hearing.  
97

98 Mr. Duncan - What is this area? (Shows it on the map.)  
99

100 Mr. Williams - That is a storm water management area.  
101

102 Mr. Litch - Could somebody fill me in on the site walk that happened?  
103

104 Mr. LaCortiglia - The Conservation Commission did a site walk. I was there as well as Mr.  
105 Watts and Ms. Evangelista. I was curious about the wetland flags. Basically a wetlands  
106 engineer will determine wetland and upland areas and mark the area with a little flag.  
107

108 Mr. Litch - Were there any surprises?  
109

110 Mr. LaCortiglia - No, but it is not my decision. I just wanted to get a lay of the land.  
111

112 Ms. Grosslein - We were at the Conservation Commission meeting they talked about storm  
113 water drainage and the numbers about studies from Cornell. They said the numbers were low  
114 and they were trying to get the town to switch to the other numbers.  
115

116 Mr. LaCortiglia - What they are referring to is when we ask Mr. Graham to design systems to  
117 retain a hundred year storm event. Cornell University says that the number is not great  
118 enough and it should be increased. That would have to be adopted by the board and we  
119 would have to hold a hearing. This is something we could do at some point. This will not be  
120 on the radar for a little while there is a lot to that.  
121

122 Ms. Grosslein - There was a resident that showed pictures of how the water from her area is  
123 getting bigger and bigger so I was concerned.  
124

125 Mr. LaCortiglia - It is not something we can deal with tonight – maybe in the future.  
126

127 Mr. LaCortiglia - Are there any other comments from the public? I see none at this time.  
128

129 Mr. Williams - On the Cornell numbers - there are some towns that have adopted that. There  
130 are also studies that depute that. DEP has changed their numbers a few times over the past  
131 15 years they are not confident that the Cornell numbers are accurate. With Conservation we  
132 have filed our ANRAD and they have reviewed it and changed a few flags. It has been  
133 submitted and we expect at the next hearing that they will confirm the wetland line. Then we  
134 would file a notice of intent along with the definitive plan to this board.  
135

136 Mr. Rich - **Motion** to close the public hearing.  
137 Mr. Howard - **Second.**  
138 **Motion Carries: 3-0; Unam.**

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Mr. Snyder - I can have a draft decision of approval at the October 9<sup>th</sup> meeting.

**Planning Office:**

- 1. M-Account: #26429: Chaplin Hills.**
- 2. M-Account: #26442: (Emma) Harris Way.**

Mr. Howard - **Motion** to release the two M-accounts.

Mr. Rich- **Second.**

**Motion Carries: 3-0; Unam.**

**Public Hearing:**

- 1. Town of Georgetown: Proposed Bylaw Medical Marijuana Treatment Centers – 1<sup>st</sup> Public Hearing.**

{Mr. Snyder reads the public notice.}

Mr. LaCortiglia - This hearing is now opened. Essentially what we are doing here – I am sure everybody knows that the state has made it legal for medical marijuana dispensaries and they will be permitted by the department of public health. Towns need to have a bylaw as to how and where to place these dispensaries. It is the hope of this board to come up with a bylaw that meets everyone’s needs and zones it appropriately. I see a grand total of four people in the audience.

Audience Member - I am surprised there are not more people here.

Mr. LaCortiglia - It is really not all that controversial. I don’t think it is controversial anyway. Essentially what we have here is something that pretty much makes it a special permit.

{Mr. Watts arrives at 8:15 PM.}

Mr. LaCortiglia - I’d like to open it up and start with the comments. What you have here from downloading or picking it up at the Planning Office is a draft bylaw which is what we are going through tonight.

Mr. Rich - Mr. Chairman before we go to the audience can the Town Planner give the people the structure of the bylaw?

Mr. Snyder - What was previously posted online is the document that we are reviewing tonight. The article presented for discussion is a draft. As such there will be some duplication as it is with discussions tonight that the board can decide the proper location.

Mr. LaCortiglia - Please try to keep your comments at 50 thousand feet. If you’ve read it and think this line should say “and” instead of “or” then maybe we can get back to the later in the hearing. I hope everyone has signed in on the sheet at the back.

Mr. Tarricone - Is there a copy of bylaw on line? My partner and I were not able to find one.

Mr. Snyder - It is on the Planning Board portion of the Town website under articles for special town meeting.

188  
189 Mr. LaCortiglia - Bear in mind, what you're basically going to see is what we are going to make  
190 some changes to and will come out with another revision.  
191  
192 Mr. Rich - We do have emails to read into the record. These are from Becky LeBlanc, Jennifer  
193 Greens, and Wendy Osborne.  
194  
195 {Correspondence read into the record.}  
196  
197 Mr. LaCortiglia - Back to the audience - if you have any comments, please let us know.  
198  
199 Ms. Sugerman - I am here to support and expedite this dispensary.  
200  
201 Mr. Rich - Something mentioned in the email and I think it needs to be addressed. We are not  
202 here to say yes or no to a medical marijuana facility. We are here to speak about zoning as to the  
203 placement in town. The commonwealth voters have spoken. They have also spoken by stating  
204 that if you try to write a bylaw that excludes them that it will not pass muster.  
205  
206 Ms. Lundquist - I am speaking as a private citizen tonight but I am also a chairperson of the  
207 Georgetown Cares substance abuse prevention coalition. My heart goes out to people in need of  
208 this medication. However, I would like to see a responsible bylaw passed in the town. I have  
209 gone through the draft and I can see you did a lot of research. I do have some questions. On  
210 page nine there is a listing of areas where the R and D facility should stay a certain number of  
211 feet from certain areas and number six mentioned is "public park". I am wondering what exactly  
212 was meant by "public park." Does that mean all recreational space including the rail trails and  
213 sports fields?  
214  
215 Mr. LaCortiglia - We have not gotten to that yet. We will have to go over this page by page. We  
216 will start at the beginning and go to the end.  
217  
218 Ms. Lundquist - That is just something for you to consider. Is this the time for me to ask these  
219 questions?  
220  
221 Mr. LaCortiglia - It might be better for us to go through it section by section.  
222  
223 Ms. Lundquist - I do have three suggestions – would you mind hearing them? One is that the  
224 RMD should not be located in buildings containing any medical doctor's offices or anyone  
225 authorized to prescribe medical marijuana.  
226  
227 Ms. Osborne - Not to interrupt but that is covered in the regulations from the state so it does not  
228 need to be repeated in the town bylaw.  
229  
230 Mr. Tarricone - It is stated that it is not to be in a building where doctors write certificates. It  
231 satisfies the state requirements as long as there is not a doctor writing the certificates in the same  
232 facility. You will never get a license where it is to be located in a building where there is a  
233 doctor writing certificates.  
234  
235 Ms. Lundquist - Another is that no smoking, burning or consumption or any product containing  
236 marijuana should be permitted on the premises of the RMD. Last is that signage for the RMD

237 should include the following language: “Registration card issued by the MA department of  
238 public health required”, so that people walking by would understand. Thank you for listening.

239  
240 Mr. LaCortiglia - There is a section on signage at the end and we will get to it.

241  
242 Ms. Lundquist - There is but it did not include this specific suggestion so...  
243 Thank you for listening.

244  
245 Mr. Tarricone - I would just like to say that the state regulations are the tightest regulations and  
246 now the town needs to write some that are best for the town. There are a lot of elements that the  
247 town needs to address and make it work for everyone here.

248  
249 Mr. Fowler - One thing that I am not sure that is covered is it looks like the zone might be all  
250 slugged into one. From what I understand there can be growing centers and dispensaries and  
251 these may not both fit in the same zones. I can't see the growing area being downtown.

252  
253 Mr. LaCortiglia - It almost appears that the facilities are both growing and dispensary. That is  
254 how I read it.

255  
256 Mr. Snyder - As I understand the state law - when you become a registered RMD, you are  
257 allowed to cultivate and dispense as well but the two facilities do not have to be in the same  
258 location. But that they have to be responsible for start to finish, “seed to sale”. That is  
259 something for this bylaw to consider.

260  
261 Mr. LaCortiglia - This bylaw does not specify an overlay map which will create a medical  
262 marijuana treatment facility zoning overlay district area. This would show precisely where you  
263 could have a facility and would be something that the town meeting would need to approve.

264  
265 Mr. Fowler - I am also on the economic development board and we have recently gotten  
266 Georgetown declared as an economic target area. It means anyone bringing new business to  
267 town could get low interest loans through the state and ask the town for tax relief. This could  
268 have tremendous opportunity for growth in town.

269  
270 Mr. Rich - We have already had interest from people in regards to this.

271  
272 Ms. Haller - I am a RN and former Planning Board member. If it is considered a not-for-profit  
273 facility, does that mean we would not get any taxes?

274  
275 Mr. LaCortiglia – I don't have the answer for that. That would have to come from the assessor.

276  
277 Mr. Tarricone - I do have an answer for that. We actually proposed to you guys to charge us an  
278 excise tax if you were to let us operate here. And it is a non-profit at the state level not a 501C3  
279 at the federal level. So we are not actually tax exempt. We would not be opposed to giving back  
280 to the city. In our plan we proposed five percent in our first year of net to go back to the city and  
281 then by year three it would be ten percent back. I think the city will have the opportunity to  
282 make money.

283  
284 Mr. LaCortiglia - Does that answer your question?

285  
286 Ms. Haller - Not entirely because they won't actually be receiving a tax bill from the town.

287  
288 Mr. LaCortiglia - I think the best way we can address this is to look at the general purpose. We  
289 are talking about a bylaw we don't deal with taxes that would be the assessor's office.  
290  
291 Ms. Haller - Also could I have some clarification? In terms of growing – use of water may be an  
292 issue because there are already water problems in town. Another issue I am concerned about is  
293 whether they will be providing their own security or is it our police force for security?  
294  
295 Mr. Rich - Under the state regulations it would have to be a secured facility.  
296  
297 Mr. Tarricone - It would be casino grade security is how I refer to it – higher than any pharmacy  
298 or any bank in the state.  
299  
300 Mr. Rich - In regards to the tax question - The states requires that the corporation be a nonprofit.  
301 Not being tax exempt does not preclude them from being taxed. There is a flip side. Would they  
302 fall under the category of an agriculture facility which is entitled to a certain tax relief? Again,  
303 this is for the zoning as to where it will be located – I don't see it as being a cost center. They  
304 need to provide their plan for security that passes muster with the state regulations before it gets  
305 to what we would require.  
306  
307 Mr. LaCortiglia - Basically this will be special permit. Are there any more questions?  
308  
309 Ms. LeBlanc - I would like to share a personal story.  
310  
311 Mr. LaCortiglia - What does that have to do with the bylaw?  
312  
313 Ms. LeBlanc - It gives perspective of where we are coming from because we are potential  
314 customers.  
315  
316 {Ms. LeBlanc tells of her daughter's seizures and why medical marijuana is the only option left.}  
317  
318 Ms. LeBlanc - I know it is a small town but when you add in the zoning requirements I think you  
319 are overly limiting where these businesses can go. Please consider the voice of the voters. We  
320 really believe that until towns step up and allow these cultivation centers and dispensaries that  
321 potential patients like my daughter are denied this medicine.  
322  
323 Mr. LaCortiglia - Thank you. Let's get into it now.  
324  
325 Mr. Tarricone - I have been to a lot of these meetings so far. The areas start to get very limited  
326 when a lot of restrictions start to get put on it. If you get to things like it can't be near the rail  
327 trail etc... you get to where there is a tiny area in town.  
328  
329 Mr. Rich - The Attorney General has already said that you cannot do that.  
330  
331 Mr. Tarricone - I just want to emphasize that the regulations have a 500 foot rule from anywhere  
332 children congregate. Parks, schools, churches or day care centers so it does cover a lot. If it gets  
333 really strict you will block out businesses that are smaller and leave it to where only a large  
334 corporation can afford to come in. We are probably getting three centers in Essex County. I  
335 have been working with the Department of Health and have a lobbyist and a legal team - the

336 issues with the zoning is that if it gets so strict you are zoning out the opportunity for anyone to  
337 be here. I ask you to consider that.

338  
339 Mr. LaCortiglia - This board has no intention of doing a defacto ban.

340  
341 Mr. Tarricone -We are looking at cultivation centers in different areas that will work for us. To  
342 have an option to put a small dispensary location would be great aside from the cultivation  
343 center.

344  
345 Mr. Rich - Are you saying it would be more practical if you could cultivate in one area in town  
346 and have a dispensary in another area?

347  
348 Mr. Tarricone - Yes. The dispensary law states you have to zone for all three portions  
349 (manufacturing, packaging and sales) but I think they need to be looked at as two separate  
350 businesses.

351  
352 Mr. Rich - Don't you think you could merge the two if you had a small location downtown?

353  
354 Mr. Tarricone - The reality is that you need to supply thousands of patients or the state would not  
355 give a license. I think Georgetown could write into their bylaw that distribution is allowed in  
356 this area and cultivation allowed here.

357  
358 Mr. LaCortiglia - I don't see it that way - if it's a facility then it's a facility. It has to mirror the  
359 state version.

360  
361 Mr. Tarricone - A lot of cities are zoning it that way.

362  
363 Mr. Rich - Could you send us a copy? There is a practicality - if you allowed it in a certain area  
364 where there is no real-estate to cultivate it...

365  
366 Mr. Snyder - It is covered under an overlay district and an overlay district doesn't need to be in  
367 just one location.

368  
369 Mr. LaCortiglia - I agree. We should probably pay close attention to and focus on that after we  
370 go through all of this because we have nineteen pages to go though.

371  
372 Mr. Tarricone - The off-site delivery prohibited is an important element to the state and I think it  
373 would be overturned by Martha Coakley. There are a lot of patients that do not have access.

374  
375 Mr. LaCortiglia - Let us go through with this.

376  
377 Mr. Fowler - Just one question. Mr. Tarricone if you had a dispensary, what do you see for the  
378 traffic being - the amount of people coming and going?

379  
380 Mr. Tarricone - We are estimating by our third year of reaching about 2000 patients a month. So  
381 it is not a lot of traffic. It is probably 2 or 3 cars in the parking lot at a time.

382  
383 Mr. Fowler - Is that something you would want in a downtown area or a commercial area? I am  
384 thinking about the fit of the traffic.

385



386 Mr. Rich - I think it would be akin to the traffic CVS gets.  
387  
388 Mr. Fowler - I was just wondering which area would be more appropriate.  
389  
390 Mr. LaCortiglia - Let's define what the facility is and then we can figure out where is or is not  
391 appropriate.  
392  
393 Mr. Snyder - This bylaw is structured on other municipalities as well as a template received from  
394 Town counsel. It is also all in accordance with state law.  
395  
396 {Discussion held on each of the following sections of the draft bylaw for purpose of revision}  
397  
398 {Mr. Snyder outlines reasons for this first section of the bylaw.}  
399  
400 {Mr. Snyder outlines how the overlay district is established in this section.}  
401  
402 Mr. Snyder - Part B (Delineation) states that this overlay district won't be applied to the  
403 town map unless the voters accept it at a town meeting.  
404  
405 Mr. LaCortiglia - Yes, by a two thirds vote at a town meeting. And we will present that map  
406 as well as these bylaws.  
407  
408 {Mr. Snyder outlines how the Planning Board established as the Special Permit Granting  
409 Authority in this section (Scope of Authority) as well as authority of any other board or  
410 commission in Georgetown}  
411  
412 Mr. LaCortiglia - Reading a section of the Bylaw: Any registered marijuana dispensary  
413 application may also be subject to review by other town of Georgetown boards.  
414  
415 {Discussion held in regards to who are the "reviewing authorities".}  
416  
417 Mr. Snyder - The reason I added this part in is because further on when we start getting into  
418 the discussion about home cultivation then there will be consideration of another board,  
419 commission or department in the town issuing permits for home cultivation.  
420  
421 Mr. LaCortiglia - We are really going to have to separate that out. The Attorney General  
422 deleted some of a town's bylaw because it made it – the law was written so generally that  
423 anyone who got a home cultivation permit from the state would have had to go through a  
424 special permit or site plan review.  
425  
426 Mr. Snyder - They were requiring home cultivation to go through I believe a site plan  
427 review.  
428  
429 Mr. LaCortiglia - I don't think we'd want to do something like that. That would be over the  
430 line. The idea here is to try and not have anything tossed by the Attorney General.  
431  
432 Mr. Snyder - The Applicability section refers to how this bylaw shall be applied.  
433  
434 {Reading of this section of the bylaw and discussion held in regards to cultivation and  
435 dispensary centers.}  
436  
437 Mr. Rich - I think what we are looking at is a matter of practicality – if someone is allowed to  
438 cultivate it in an industrial zone and they have the opportunity to dispense it closer to the  
439 center of town... From the way I read the law is that the dispensary and cultivation do not  
440 have to be at the same location.  
441  
442 Mr. Howard - That makes sense.

443  
444 Mr. Watts - It may be better for someone in this business to have them separate.  
445  
446 Mr. Rich - As long as the overlay district contains that area.  
447  
448 Mr. Howard - I don't think you'd want to have people cultivating in the commercial district  
449 downtown.  
450  
451 Mr. Rich - The real estate is not available down town.  
452  
453 Mr. Tarricone - The licenses limit the dispensary to only be able to cultivate in one location  
454 so you would not have to worry that they have a warehouse there and they decide to do a  
455 little growth setup in the down town retail location. The license clearly says that you may  
456 have one cultivation site and one dispensary site and they can be separate or together.  
457  
458 Mr. Watts - What I would be concerned with is the language and that it not require them to  
459 both be together.  
460  
461 Mr. Howard - I want to keep them separate.  
462  
463 Mr. LaCortiglia - I don't think you should have an undefined term. The states regulations do  
464 not define what a marijuana cultivation facility is.  
465  
466 Mr. Howard - They both fall under the state code but we define where we want each  
467 individual part.  
468  
469 Mr. Snyder - Then Mr. Howard you may want to create two overlay districts.  
470  
471 Mr. Howard - Yes, I think that makes perfect sense.  
472  
473 Mr. LaCortiglia - I don't think you're going to fly with that one. I'm good with just a single.  
474  
475 Mr. Howard - I don't think we would want to have a dispensary in an industrial zone. I think  
476 it would be fine to have a cultivation area in an industrial zone. That's why we need to  
477 separate them for purposes of zoning.  
478  
479 Mr. LaCortiglia - You are prohibiting a dispensary in an industrial zone? I disagree with you  
480 completely.  
481  
482 Mr. Rich - There is a definition for marijuana cultivation.  
483  
484 Mr. LaCortiglia - Is it for a marijuana cultivation facility?  
485  
486 Mr. Rich - No but it is for marijuana cultivation so the facility would be the location where  
487 the cultivation takes place. On page three of the Westborough supplement.  
488  
489 Mr. Howard - The zoning for industrial doesn't allow for distribution anyway.  
490  
491 Mr. LaCortiglia - It would be special permit for that.  
492

493 Mr. Howard - I see it as the cultivation and the distribution centers being in different areas.  
494  
495 Mr. LaCortiglia - I don't think the state makes that distinction. You'd put the owner of the  
496 facility in a "no win" situation because he'd be getting a license from the state to grow and  
497 dispense and you'd be saying that you can only grow.  
498  
499 Mr. Howard - Yes, at this location but they can dispense in another area. I don't think it  
500 would be a very bright idea to have a dispensary in an industrial zone. That's my thought.  
501  
502 Mr. LaCortiglia - Are we all good on getting rid of the term "marijuana cultivation facility"?  
503 Let's look at how a RMD (Registered Marijuana Dispensary Facility) is defined.  
504  
505 Mr. Snyder - A RMD is also referred to as a medical marijuana treatment center means a not-  
506 for-profit entity registered under the 105CMR725100 that acquires cultivates and processes,  
507 including development of products.  
508  
509 Mr. Watts - I think it would be a good idea to consolidate these two terms – RMD and  
510 medical marijuana treatment center.  
511  
512 Mr. Rich - It wouldn't be a bad idea to add a definition of marijuana cultivation which I  
513 believe is the definition used in chapter 94.  
514  
515 Mr. LaCortiglia - How are we doing it – by reference?  
516  
517 Mr. Snyder - I need to see if I can combine those - there may be a reason they are separated.  
518  
519 Mr. LaCortiglia - Could we at least say that a registered marijuana dispensary – we could also  
520 say "also known as" a medical marijuana treatment center.  
521  
522 Mr. Snyder - That's what it says.  
523  
524 Mr. LaCortiglia - I get it, the law says one thing and the regs something else.  
525  
526 Mr. Howard - People are going to feel differently if it is near their house whether it is a  
527 cultivation or dispensary center. People will feel be less concerned about a cultivation center  
528 than a dispensary. You don't get traffic going in and out for a cultivation center. It's a whole  
529 different ballgame whether you grow it or dispense it.  
530  
531 Mr. LaCortiglia - I don't think the state is separating that out.  
532  
533 Mr. Howard - They don't have to – it is up to us.  
534  
535 Mr. LaCortiglia - I think you're killing any chance of a successful business model.  
536  
537 Mr. Tarricone - I think that it is sometimes possible to do both in one center. I think if you  
538 were to zone in two separate areas you might say that area A works only for cultivation and  
539 area B works only for dispensaries.  
540  
541 Mr. Rich - What about an area where you can have cultivation and dispensing and an area  
542 where you can just be limited to dispensing only?

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Mr. Tarricone - I think that is the best way to go.

Mr. Fowler - I see an area in town where perhaps both would fit but I don't see dispensaries in certain areas. And I don't see a growing area fitting into down town.

Mr. Howard - I think perhaps industrial areas are already not going to work because you can't have retail in industrial districts as it is not allowed.

Mr. Fowler - I would think if you went by the model of other industry in town would work as it is an industry.

Mr. Howard - On Tenney Street, the industrial building Jerry's Auto Service is now a retail repair place etc... That is not an industrial use. Industrial use is beginning to erode in this town. This may further erode that and I don't know if that is good or bad.

Mr. Snyder - I think what you could do is – you need to consider that they come in requesting a location for a dispensary and you could add into the use schedule how you want those things to be located.

Mr. Howard - As long as we can separate them in the use schedule then I am OK. I don't think you should be growing in a commercial district.

Mr. Snyder - I don't think the economics would be there for that. From what I understand is that they need a large area.

{Continued reading of the bylaw.}

Mr. LaCortiglia - Moving on to definitions. I'd like to pull out marijuana cultivation and I'd like to really look at that because I want to make it clear for the Attorney General that when we talk about marijuana cultivation, we are referring to facilities that are cultivating. And I really want to separate out the hard ship home grown cultivation permit that is given to individuals and caregivers.

Mr. Rich - If you look, the AG specifically threw out the words personal cultivation by qualifying patients and caregivers.

Mr. LaCortiglia - They tried to include that in their definitions of marijuana cultivation.

{Discussion held in regards to wordage for personal hardship cultivation.}

Mr. LaCortiglia - I would want someone to be made aware if someone were growing it in their own home - the BOH and the police maybe. The state regs say it needs to be in a somewhat secured area.

Mr. Tarricone - The reality is if you have an RMD in town, they will not allow any home cultivation because of the availability.

Mr. LaCortiglia - It's getting to be so mangled here that it will not be a successful business model.

593  
594 Mr. Tarricone - If that's the case you might be right it might be crossing into territory that  
595 doesn't satisfy the AG if you end up putting extreme limitations on it.  
596  
597 Mr. Watts - That is not our intention.  
598  
599 Mr. LaCortiglia - I just want to make sure that the chief of police knows where these are.  
600  
601 Mr. Tarricone - Does that comply with HIPAA? You have patient rights at that point.  
602  
603 Mr. Watts - If that is not an issue anymore the hardship cultivation then we should say that  
604 these bylaws do not concern them.  
605  
606 Mr. Rich - If you put in there "except" and then use the AG's language then it is done.  
607  
608 Mr. LaCortiglia - So we will delete that and add that language to the definition.  
609  
610 Mr. Fowler - Back on page 4 section A. It mentions cultivation, production, processing and  
611 assembly. Where would those things come in when you get to definitions?  
612  
613 Mr. LaCortiglia - That is all packaged under the general RMD heading.  
614  
615 Mr. Rich - Cultivation is not necessarily where you produce the final product.  
616  
617 Mr. LaCortiglia - It is inclusive as it says this is what we are calling a RMD but you could  
618 just grow it here.  
619  
620 Mr. Snyder - You can have a facility that is qualified as an RMD that is just cultivating and  
621 not dispensing. The RMD is just your permit.  
622  
623 Mr. Watts - Right, the "umbrella" term for those processes.  
624  
625 Mr. LaCortiglia - And you're not restricted under it.  
626  
627 Mr. Fowler - You may also want to allow the processing at the cultivation center also.  
628  
629 Mr. LaCortiglia - At some point it has to be packaged and shipped.  
630  
631 Mr. Snyder - I think that's handled at the state level too.  
632  
633 Mr. LaCortiglia - They're calling it one facility.  
634  
635 Mr. Snyder - General provisions are non-specific procedures and criteria of either the site  
636 plan or special permit process. It refers to how this bylaw is going to be administered, how it  
637 complies with other zoning laws and regulations. It allows for the board to set up any  
638 consideration of fees. Submission requirements and documents, safety standards etc...  
639 Some things can be taken out and addressed later like in a site plan.  
640  
641 Mr. LaCortiglia - Does anyone have any issues with these?  
642

643 {Discussion held in regards to the wordage for having to go to the Building Inspector for a  
644 building permit.}

645

646 Mr. LaCortiglia - Let's focus on Submission Requirements.

647

648 Mr. Snyder - What I wanted to add in is if they came forward for a special permit was that  
649 they would create some type of proof and documentation for the board to review. That these  
650 are the available sites that we could propose our RMD to be located. As opposed to saying  
651 this is where we want to put it. It shows that they have done a study. You may consider it to  
652 be too much or you can consider it to be appropriate.

653

654 Mr. Rich - Do we require sewer in any site plan we do?

655

656 Mr. Snyder - No.

657

658 {Discussion held in regards to the eligible location section.}

659

660 Mr. Snyder - If we establish say the whole industrial area for example as the overlay district.  
661 Some parcels in that overlay district will not be appropriate locations because they border a  
662 residential district.

663

664 {Reading and discussion of submission requirements.}

665

666 {Reading and discussion of safety standards.}

667

668 Mr. Snyder - The idea is that the board will want to receive some type of information because  
669 this will be such a heavily secured facility. That after hours if there is a fire etc...  
670 The liability insurance and financial assurance in regards to the removal of the facility if they  
671 go out of business.

672

673 Mr. LaCortiglia - So essentially you have a warehouse that has a bunch of dirt and lights.

674

675 Mr. Snyder - It is specialized equipment, ventilation systems etc....

676

677 Mr. Rich - Reading of the bylaw – “The owner shall provide a security sufficient to cover the  
678 cost of removal...” I would say that this as it is written could be construed as overburdening  
679 of the applicant. Especially where it says that the estimate of the cost shall be prepared by  
680 the facility operator and a licensed architect and shall include a mechanism for cost of living  
681 adjustments. I think the AG might throw that out.

682

683 Mr. Fowler - You might want something like that for cell towers in case they fall down.

684

685 Mr. Snyder - You require assurances for sub divisions.

686

687 Mr. LaCortiglia - And then we give it back once the street is accepted. If we were permitting  
688 a kayak company we wouldn't take a bond for it.

689

690 Mr. Rich - I can see a bond during construction to make sure it is built to spec but not for  
691 removal.

692

693 Mr. LaCortiglia - When they're building a facility they don't get an occupancy permit until  
694 it's done right.  
695  
696 Mr. Howard - How would you put a price tag on that?  
697  
698 Mr. LaCortiglia - Let's just take it out. Let's go onto eligible locations. This seems to be a  
699 huge list that keeps it very far from downtown.  
700  
701 Mr. Snyder - If an applicant comes in and says if I follow the strict letter of your bylaw and  
702 says I can't find a location then you can say ok we're going to back out.  
703  
704 Mr. Howard - The AG might have a problem with that.  
705  
706 Mr. Snyder - How does the AG know if we have a property in town or we don't have a  
707 property in town? We won't know unless you pay me to do a study to find locations. The  
708 Planning board could change the distance if needed.  
709  
710 Mr. LaCortiglia - The first thing we have to look at is it seems to have 1000, 500 or 300 feet.  
711  
712 Mr. Rich - The AG approved 500 feet from the property line.  
713  
714 Mr. LaCortiglia - Do we want to go to a smaller amount?  
715  
716 Mr. Snyder - I would think you'd want a smaller amount as we have small commercial areas.  
717  
718 Mr. Rich - Maybe set the benchmark at no greater than 500 feet.  
719  
720 Mr. LaCortiglia - I think 100 feet is too little and maybe 300 feet is a little closer to what we  
721 want. Does 300 feet feel good?  
722  
723 Mr. Snyder - If they come in and say if we stick to 300 there isn't a property but if we go to  
724 200 feet there are some properties.  
725  
726 Mr. Howard - What's the real difference maybe an extra 30 steps.  
727  
728 Mr. LaCortiglia - Where are we able to waive it or modify that for special circumstances?  
729  
730 {Mr. Snyder reads the section pertaining to this and discussion follows.}  
731  
732 Mr. Watts - I think we should revisit section 12.  
733  
734 Mr. Howard - If we have a 300 foot for these places can we override that? Yes, then why  
735 even put that in there?  
736  
737 Mr. Rich - They can ask for a waiver.  
738  
739 Mr. Watts -We might want to wait for Pam because she seemed to have questions related to  
740 this.  
741  
742 Mr. LaCortiglia - This is not the end-all we will come out with this again. Mr. Snyder will

743 refine it. With all due respect I think I envision a business model where the facility is in an  
744 industrial area in a secure tight location in a large building and even though it will be a  
745 dispensary by law they probably won't have walk-in business. That's how I envision it.  
746

747 Mr. Tarricone - You really want to make sure that patients have access. The state has  
748 regulations with two drivers per truck etc... You would be amazed at how tight the  
749 regulations are.  
750

751 Mr. LaCortiglia - Moving on to signage. The town's bylaw may not be adequate to address  
752 the unique nature of a facility as this.  
753

754 Mr. Rich - Might I suggest that instead that it state "notwithstanding any existing bylaw – any  
755 and all signage must be specifically be approved by the special permit granting authority.  
756

757 Mr. Howard - I like that.  
758

759 {Reading of the visibility, cultivation activities and procedures sections.}  
760

761 Mr. Rich - Is there anything is our special permit procedures that is not included in this list?  
762

763 Mr. Snyder - No, this is meant to add to the existing special permit process.  
764

765 Mr. Rich - I just want to make sure that it includes everything we already do for a special  
766 permit. Are there any other elements are a special permit or site plan review over and above  
767 these because this is the criteria.  
768

769 Mr. LaCortiglia - I am more concerned about special permit conditions.  
770

771 Mr. Rich - I would rather see the permit be reviewed in five years and not expire.  
772

773 Mr. Snyder - There are not any other permits that I know of that have to be reviewed.  
774

775 Mr. Howard - Why don't we just delete that section.  
776

777 Mr. Rich - I don't think you need that either.  
778

779 Mr. LaCortiglia - Keep in mind that when you file an application all these documents will be  
780 sent to the chief of police.  
781

782 Mr. Tarricone - You want emergency personnel to have them.  
783

784 Mr. LaCortiglia - We are talking the application itself because we are looking for comments.  
785

786 Mr. Rich - Detailed plans are a public document.  
787

788 Mr. Snyder - I guess you could look at this like when we did the site plan review for the  
789 donut shop. You took a look at the traffic pattern and how things were going to flow – this is  
790 the intent of this section.  
791

792 Mr. Howard - **Motion** to continue this hearing to the next meeting on September 25, 2013.



793 Mr. Rich - **Second.**  
794 **Motion Carries: 4-0; Unam.**  
795  
796 Mr. Howard - **Motion** to adjourn.  
797 Mr. Rich - **Second.**  
798 **Motion Carries: 4-0; Unam.**  
799  
800 **Meeting adjourned at 10:27 PM.**