

# HULL PLANNING BOARD

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## Minutes: January 10, 2018

**Members Present:** Harry Hibbard, Chair; Jason McCann, Vice-Chair; Steve Flynn; Jeanne Paquin; Steve White; Nathan Peyton; Joe Duffy

**Staff Present:** Chris DiIorio, Director of Planning and Community Development

### Public Hearing

Hibbard provided an overview as follows:

- Communities that voted to approve legalization of marijuana need a referendum if they want to ban the sale of marijuana facilities in town.
- The board is present to discuss the zoning issues.
- The board has put together a zoning bylaw that restricts the location of marijuana establishments. If a bylaw is not in place by April 1, retailers could put stores wherever they want to.
- The purpose of the meeting is to get community input on the bylaw and the overlay district.

DiIorio reviewed the bylaw as followed

- The overlay district goes from Water Street to the old aquarium building and is about 5,000 feet long. There is also a small area on George Washington Boulevard, where Java Jungle is. This area was selected because it is the most highly commercialized area in town and there are many empty storefronts in that area. It is also easily accessible to traffic from other towns.
- Section Six of the bylaw deals with medical marijuana, the sale of which cannot be prohibited in town. Section Seven concerns recreational marijuana, and there are two proposed versions. One would take effect if the town votes by referendum to prohibit the retail sale of recreational marijuana; the other would take effect if the town votes to allow retail sale.

DiIorio reviewed each section of the bylaw. Please see the video of the presentation, available online at [hulltv.net](http://hulltv.net) for the full presentation and discussion. In addition, the proposed bylaw is available for review in the archive of this public hearing.

Discussion, questions, and concerns included:

- Town Counsel James Lampke explained that public consumption is prohibited by state law, but there is also consideration of making a town bylaw which would do the same. He said that the age limit for recreational use is 21 and persons under 21 cannot enter retail marijuana establishments. He said that the town can tax up to 3% of gross sales and that there can be other financial and community considerations built into the host agreement. He said that the town can restrict the number of stores to less than 20% of liquor licenses via referendum.
- Regarding questions about the buffer zones and distinctions between playgrounds and parks and the carousel, Hibbard said there is confusion coming from the state Cannabis Control Commission CCC regarding these distinctions. He said that the carousel is not included, but the playground across the street would have to be buffered. Selectman Jennifer Constable pointed out that the state regulations provide for a radius of 500 feet of a public or private school, day care facility, or any facility in which children commonly congregate. She said that the overlay district as currently proposed includes the carousel, an arcade, a park, and the beach, and these are all areas where children congregate. She said that the safety of the town's youth should come ahead of economic benefits, which are, as yet, uncertain. She suggested

shortening the overlay district from Anastos Corner to Water Street. Bob Carney also suggested that the board consider shortening the district.

- Carolyn Corrow, Vice President of the Paragon Carousel Board, said that Marie Schleiff, who is the carousel board president, has talked with DCR Commissioner Roy about the proposed zone and he is very concerned that the overlay district is right along the DCR property. She stated that the carousel is also very concerned.
- Judith van Hamm said that it would be helpful if the board pre-defined the buffer areas and include them on the maps.
- Carney pointed out that the board should be more risk averse and said he would advocate for starting with a smaller area further away from facilities that are buffered. He also said that he was worried about the effects on businesses and pointed out that other businesses might be less likely to renew their leases if they had a marijuana shop next to them. He further asked if the establishments can run a delivery service. Lampke said that this was not clear as yet as the state regulations are still changing regularly.
- Bob Dalton said that the overlay was in a bad spot for traffic and he would like to see it deeper into town.
- Robin Flint said that the Chamber of Commerce took a survey of their members and restaurant owners responded in support of retail marijuana. She didn't know how many responses there were.
- Constable asked what the ventilation requirements would be and pointed out that this was a consideration in Colorado. Lampke added that there are odors from stored marijuana and derivatives. DiIorio said that the odor issue was addressed because there was no smoking inside the facility. Lampke said that putting it in the bylaw specifically would make the board's authority stronger. Constable pointed out that there are residents who live in the overlay district. Carney said that if the bylaw is ambiguous in any way, it can set the town up for litigation.
- Flynn said that the board had not wanted traffic flowing through town and that the idea was to keep people out of town who are just coming in for that particular thing. Paquin said that it was hard to site anything that isn't near residences.
- Jay Polito stated that he lives on Park Ave, which is adjacent to the proposed overlay district and that when the board says that they want to keep it away from neighborhoods, they are discounting the neighborhoods in this area. He said that there are many children who live in the area. He also pointed out that the area is extremely busy with traffic and foot traffic in the summer. He said that in the summer there are more children in the proposed overlay district than there are in the whole rest of town. He suggested that the board consider expanding the district to include Kenberma. Van Hamm said that she thinks that marijuana may bring positive foot traffic to the Kenberma area. Pat Cormier encouraged the board to consider Kenberma because of the value of bringing people further into town.
- White pointed out that even if the town prohibits retail sale of recreational marijuana, this will still be the zone for medical marijuana.
- David Clinton said that the demand would be large and people would come to town for it. He said that the Advisory Board will need to consider the bylaw before it goes to print for the Town Meeting Warrant.

**At 9:25 p.m. the Board voted unanimously to close the hearing and adjourn the meeting, on motions by Hibbard, with numerous seconds.**

Minutes approved: \_\_\_\_\_

Date: 2-8-18

**The following documents were submitted and are part of the official records:**

- Planning Board agenda for 1/10/18