

MILLBURY PLANNING BOARD  
MINUTES  
February 12, 2018

---

The regularly scheduled meeting of the Millbury Planning Board was held on Monday, February 12, 2018 at 7:15 p.m. in the Municipal Office Building, 127 Elm Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Rich Gosselin, Edd Cote, Terry Burke Dotson, Paul Piktelis, Michael Georges

Absent:

**7:15 p.m. Discussion of Proposed Zoning Related Warrant Articles**

Ms. Connors advised the board members that the Town is in the process of developing a master plan. She originally advised she would not be making any zoning changes until the Master Plan was complete. However, a few zoning issues have come up and if the Board is interested, a public hearing can be held on March 12, 2018 relating to the changes.

The first article addressed is to see if the town will vote to amend the zoning bylaws under Article 2 District Regulations section 26.15. This would permit accessory uses in Industrial I and Industrial II districts by deleting residential uses incidental and necessary to an industrial establishment. Ms. Connors doesn't feel there is a need for residential use in the same building as an industrial development. She stated that zoning was developed to separate industrial and residential uses and from a safety perspective it would be wise to eliminate residential uses as an accessory use for an industrial development.

Mr. Cote asked if this would affect the fire department for a future expanded headquarters. Ms. Connors advised the fire department would fall under municipal use and not be affected.

The Board was in agreement and asked Ms. Connors to include this article for the public hearing.

The next article Ms. Connors presented had to do with recreational marijuana. She stated at the advice of Town Council it might be a wise decision to include all of the marijuana related articles together so that voters will have to vote them all up or all down. She advised that the state has put forward draft regulations and are in the process of holding public hearings. They propose to put forward the final regulations on March 15, 2018. The town's next planning board meeting is scheduled for March 12<sup>th</sup> and there could be changes on the state regulations. If this is the case, our planning board meeting may need to be continued to allow for changes as our bylaws can't contradict the state regulations.

RECEIVED  
TOWN CLERK  
18 MAR 27 AM 8:09  
MILLBURY PLANNING BOARD

MILLBURY PLANNING BOARD  
MINUTES  
February 12, 2018

---

Ms. Connors also advised the board that we are very limited as to what we can do with the regulations. At Millbury's last town election there were more voters in favor of recreational marijuana than were opposed

Ms. Connors noted in regards to onsite social consumption use of marijuana, the draft regulations state there has to be a petition signed by not fewer than 10% of the total number of town voters stating they want this article to be put on the state election ballot in November of 2019. This article would be prohibited by default as all others would be allowed by default.

Mr. Cote asked if we could draft the bylaws incorporating the term "duly licensed", meaning a license is not obtainable until approved. Ms. Connors advised she would not want to put a use in the bylaws unless it were actually allowed.

Ms. Connors also advised that the new bylaws, if approved would eliminate and replace the old bylaws. The new regulations do not allow the same flexibility as the old regulations.

Ms. Dotson expressed concern about a recreational marijuana shop opening at the Shoppes at Blackstone Valley and wondered if specific language could be added to the bylaws stating recreational marijuana retailers cannot be located within the property boundary lines of the Blackstone Valley mall property. The Board members discussed as to whether or not that language is necessary as the state mandates a 500 ft. buffer from any school property. Because the school property directly abuts the Shoppes at Blackstone Valley a recreational shop would not be allowed or approved at the Mall. Chairman Gosselin asked Ms. Connors to get clarification from Town Council on the ability to single out and prohibit recreational marijuana retailers at the Shoppes.

Under section 52.2 item 4, Chairman Gosselin asked Ms. Connors to remove the word "monitoring" as the Town of Millbury will not have any control of the regulations or cannabis control regarding the cleanliness and purity of the marijuana. Mr. Georges wondered if the definition of Marijuana Establishment could be tightened up. Ms. Connors stated that Town Council advised her that the definition had to be written exactly as it is written in the State regulations.

Under section 52.3, Design Standard and Siting Recommendations, Ms. Connors told the board members that she left the item relating to the buffer areas in the bylaws. However, the State regulations may change to only include schools K through 12. We won't know how or if this will change until March 15<sup>th</sup> when the state regulations are released.

The Board had some discussion as to how to regulate or prohibit educational materials. Ms. Connors stated she would try and tighten up this regulation and asked the Board members to send her any suggestions.

MILLBURY PLANNING BOARD  
MINUTES  
February 12, 2018

---

Under Section 52.4 Application Procedure, Ms. Connors pointed out to the Board that she feels it's important for the Planning Board to know the status of the state application for licensing and show evidence of site control. Meaning the owner of a property in Millbury be aware of anyone leasing their property and using it as a marijuana establishment or registered dispensary and that the Board would want to be aware of the security measures and ventilation in place.

Regarding Section 52.6 Regarding Transfer/Discontinuance of Use, Ms. Connors suggested adding to the bylaw that the permit not be transferable for a specific location. If an existing location sells to another owner the planning board would want to be aware and a special permit would be needed for a new ownership. The Board members had concerns with this process and asked Ms. Connors to delete those terms.

Under Section 52.7 relating to Quota, Ms. Connors advised that the state draft regulations give municipalities the power to limit the number of retailers in a community. She proposed to limit the number of marijuana retailers to 20% of the number of licenses issued within Millbury for the retail sale of alcoholic beverages not to be drunk on the premise where sold. This would limit the number of retailers in Millbury to three. She also suggested limiting the number of other uses which would include all the other potential types of uses.

Ms. Dotson read from the *Guidance for Municipalities Regarding Marijuana for Adult Use, January 2018, Role of Municipalities, Bylaws & Ordinances*. Pages 8 and 9 as follows: "A municipality may restrict the number of marijuana establishments in its community. But it must follow certain procedures to do so." If the municipality voted yes on the initiative, then the question must be posed to the people of the municipality at a regular or special election following a specific process and wording."

The Board asked Ms. Connors to get clarification from Town Council as to whether or not they can limit the number of additional uses or if this would need to go to a vote at town meeting and then also be place on the Town Ballot and voted on.

Ms. Connors also proposed only allowing marijuana retailers or other types of uses in the Industrial II zoning areas.

The Board members asked Ms. Connors to implement an additional article that would extend the moratorium to December 31, 2018.

Chairman Gosselin asked that a link to the state bylaws is put on the town website.

MILLBURY PLANNING BOARD  
MINUTES  
February 12, 2018

---

**Minutes**

Edd Cote made a motion to accept the minutes of 1/8/2018 as written, seconded by Paul Piktelis, voted unanimously.

Edd Cote made a motion to accept the minutes of 1/22/2018 as written, seconded by Paul Piktelis, voted unanimously.

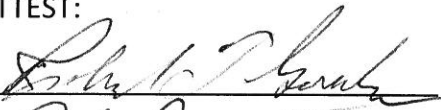
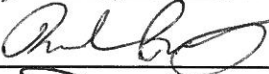
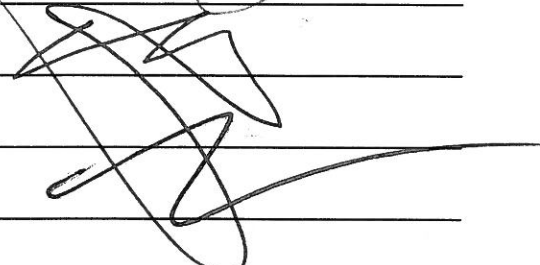
**Adjournment**

Paul Piktelis made a motion to adjourn, seconded by Edd Cote, voted unanimously. Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Pamela Bott

ATTEST:

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_



# TOWN OF MILLBURY *DEPARTMENT OF PLANNING & DEVELOPMENT*

MUNICIPAL OFFICE BUILDING • 127 ELM STREET • MILLBURY, MA 01527-2632 • TEL. 508 / 865-4754 • FAX. 508 / 865-0857

## PLANNING BOARD AGENDA

February 12, 2018

7:15 p.m.      **Discussion of Proposed Zoning Related Warrant Articles**

New Business:

Other Business:

- Mail, Minutes, Vouchers
- All business not reasonably anticipated to be discussed

RECEIVED  
TOWN CLERK  
18 FEB -7 AM 9:32  
MILLBURY, MASS

SIGN-IN SHEET

Public Hearing Discussion - Proposed Zoning Related Warrant

Date/Time 2-12-18 @ 7:45 p.m.

	NAME	ADDRESS	I WISH TO SPEAK	
			YES	NO
1	<i>Jeff Raymond</i>	<i>1 Colby Park Rd</i>		
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				