

MILLBURY PLANNING BOARD

MINUTES

January 3, 2017

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The regularly scheduled meeting of the Millbury Planning Board was held on Monday, January 3, 2017, at 5:30 p.m. in the Millbury Junior/Senior High School Media Center, 12 Martin Street, Millbury, MA. Chairman Richard Gosselin presided.

Present: Rich Gosselin Edd Cote, David Haak, Paul Piktelis, Michael Georges

Absent:

**5:30 p.m. Proposed amendment to the Millbury Zoning By-Laws for a temporary moratorium on marijuana establishments and the sale or distribution of marijuana and marijuana products – Public Hearing**

Edd Cote read the public hearing notice for proposed amendment to the Millbury Zoning By-Laws for a temporary moratorium on marijuana establishments and the sale or distribution of marijuana and marijuana products.

Town Counsel, Brian Falk provided an overview and update on the Act approved by ballot question 4 legalizing the recreational use of marijuana in Massachusetts. The State has pushed out deadlines by six months. For example, applications for filing with the Cannabis Control Commission for various specific licenses was going to be October 1, 2017, but has been pushed out to April 1, 2018. Licenses originally could have been issued on or after January 1, 2018, however, has been extended to July 1, 2018. This information is relevant as the proposed moratorium has an expiration date of December 31, 2017 which is before the deadlines that the State has now set. The moratorium gives the Town time to regulate and/or restrict use. Attorney Falk suggests the Town may want to consider pushing out the proposed moratorium deadlines to the Annual Town Meeting or amend on the floor another date so that the temporary moratorium does not expire prior to State timelines.

Edd Cote initiated discussions if there are any disadvantages except to amend the December 31, 2017 moratorium out six months. This is simply to say that the Town will take until a certain date to establish zoning by-laws. Edd Cote would like to extend the deadline instead of waiting until the May, 2017 Annual Town Meeting. Attorney Falk stated there is no rule as to how long the moratorium can be in effect except that it must be "temporary". The Attorney General could disapprove if the Town were to push out the moratorium too long, however Attorney Falk does not believe the Attorney General would disapprove if pushed out one and half years as licenses will not be issued until July, 2018.

RECEIVED  
TOWN CLERK  
MILLBURY, MASS.  
17 MAR 08 AM 10:25

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Anna Lewandowski, 5 Howe Lane thinks going out one and a half years is a good idea. This gives the Town opportunity to establish regulations to the Town By-Laws. There may be people interested in working on the Zoning By-Laws.

Terry Dotson, 20 Salo Terrace asked Town Counsel if recreational marijuana sales can begin in July 2018. Attorney Falk stated that is the earliest time the State can issue a license. Ms. Dotson inquired if the moratorium needs to go beyond that. Attorney Falk indicated with the current version of the law, regulations would come out in March, 2018 and licenses could be issued as early as July, 2018. Applications would be received by the Cannabis Control Commission in March and April, 2018. Attorney Falk indicated that some by-law should be in effect by April, 2018 if the Town wishes to regulate sales, etc.

General discussion ensued about various dates for the moratorium deadline. Attorney Falk also noted that there are other amendments being voted around so that additional changes could be forthcoming.

Attorney Falk informed the Board if nothing changes with the State, there will be a questionnaire sent to the Town. If the Town wishes to have some say in terms of moratorium or regulation, you can give a clear answer to the State if something is in place. Edd Cote inquired if the Town extends a moratorium until June 30, 2018 and approves the language tonight, when asked if they want to come to Millbury, the answer is it is not allowed? Attorney Falk replied if the moratorium is extended to July 1, 2018, yes, the moratorium would be in effect and the use would be prohibited.

Attorney Falk indicated that there may be some planning studies that could come out that may assist Towns with regulations. If the Town wants regulations, you can do that through zoning. If you want to prohibit them outright, a zoning moratorium is a mechanism if the Town doesn't know what it wants to do.

Anna Lewandowski recommended extension of the date to June 1, 2018. Paul Piktelis agrees with extending the moratorium for one year and five months. The Town still has the ability to make amendments at the Annual Town Meeting if needed. Attorney Falk indicated if the Planning Board is in agreement, the Chairman could recommend a motion to amend the article proposing a new date on Town Meeting floor.

Edd Cote made a motion to close the public hearing, seconded by Paul Piktelis, voted unanimously.

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Edd Cote made a motion to forward Article 3 to Town Meeting and expect a modification on the floor extending the effective date of the moratorium to May 31, 2018, seconded by Paul Piktelis, voted unanimously.

**Other Business:**

Interim Planner, Chris Ryan informed the Board that the proposed citizens' petition for a zoning by-law change regarding methadone clinics does not identify a particular section within the by-laws. Mr. Ryan recommends an amendment made on the floor by the Board identifying the addition as Section 54 of the Millbury Zoning By-Laws.


**Adjournment**

Paul Piktelis made a motion to adjourn, seconded by Edd Cote, voted unanimously. Meeting adjourned at 6:35 p.m.

Respectfully submitted,

Michelle T. Desorcy

ATTEST:

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David Robn



**TOWN OF MILLBURY** DEPARTMENT OF PLANNING & DEVELOPMENT

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**PLEASE NOTE CHANGE OF MEETING LOCATION, 1/03/17  
MILLBURY JUNIOR/SENIOR HIGH SCHOOL MEDIA CENTER,  
12 MARTIN STREET, MILLBURY, MA**

PLANNING BOARD AGENDA

January 3, 2017

5:30 p.m. Public Hearing for Proposed Special Town Meeting Warrant Article  
Marijuana Moratorium Zoning Bylaw

New Business:

Other Business:

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

RECEIVED  
TOWN CLERK  
16 DEC 30 AM 11:57  
MILLBURY, MASS.



# MEETING NOTICE ONLY

FY 2017

RECEIVED  
TOWN CLERK  
MILBURY, MASS  
16 DEC -9 AM 9:31

Planning Board

Name of: Board/Committee/Commission

Date of Meeting: 1/3/17

Time of Meeting: 5:30 p.m.

Location of Meeting: Media Center  
Milbury JR/SR High School, 12 Martin Street

DATES MEETING WILL BE HELD

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OR CHECK OFF BOX AND PROVIDE INFORMATION

WEEKLY  \_\_\_\_\_

MONTHLY  \_\_\_\_\_

**NOTE: IF YOU USE THIS NOTICE TO SCHEDULE MEETINGS IN ADVANCE YOU STILL NEED TO PROVIDE A FULL AGENDA FOR EACH MEETING TO BE IN COMPLIANCE WITH THE OPEN MEETING LAW G.L.C. 30A, §§ 18-25**

CHAIRMAN/CLERK: Michele Desney

# Planning Board

## SIGN-IN SHEET

Date/Time 1/13/17 5:30 P.M.

NAME	ADDRESS	I WISH TO SPEAK	
		YES	NO
1 <u>Scott Z. Burk</u>	<u>4 Brooklyn Drive</u>		
2 <u>Greg Sproule</u>	<u>5 Howe Lane</u>		<input checked="" type="checkbox"/>
3 <u>Scott Walker, Pitkin</u>	<u>20 SAVO TERRACE</u>	<input checked="" type="checkbox"/>	
4 <u>Scott Walker</u>	<u>21 Walters St.</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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