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Town of North Reading
Massachusetts

TOWN CLERK
NORTH READING, MA

Community Planning

MINUTES

WORKSHOP

Tuesday, March 18, 2014

Mr. Christopher B. Hayden, Chairperson called the Tuesday, March 18, 2014 meeting of the Community Planning Commission to order at 6:30 p.m. in Room 10 of the North Reading Town Hall, 235 North Street, North Reading, MA.

MEMBERS

PRESENT: Christopher B. Hayden, Chairperson
Daniel Mills, Vice Chairperson
Patricia Romeo, Clerk
Warren Pearce

STAFF

PRESENT: Danielle McKnight, Planning Administrator
Debra Savarese, Administrative Assistant

OTHERS

PRESENT: Chief Michael Murphy
North Reading Police Department

Mr. Hayden informed all present that the meeting was being recorded.

Medical Marijuana Bylaw

Mrs. McKnight stated that she received a response from Town Counsel which basically states that this commission is moving in the right direction with this bylaw and should continue to adhere to State law when proceeding. The updated maps have the original area that was previously discussed, but the parcels within the 500' buffer have been removed from RAMS, Reading Gymnastics and Celebration Kingdom. This would leave a total of six parcels that she believes would be adequate.

Chief Murphy stated that this is near Hallberg Park road.

Mr. Pearce stated that he was unsure if they would receive any grief.

Chief Murphy asked if it is too restrictive.

Mrs. McKnight stated that she did not think it would be considered restrictive. This does bring up the question of doing an overlay vs. just defining proximity. The way the bylaw could be written is that it is not a map amendment, just a text amendment that would state that they would need to be certain proximity from all of these types of uses, which is how a lot of other Towns are approaching it.

Mr. Pearce stated that the value of doing it this way would be if another type of business came in after the Medical Marijuana Treatment Center with a Use that would move it further away, it would not be this commission's fault.

Mrs. McKnight stated that they could do an overlay for this corridor, or it could be by special permit use with these criteria in the Industrial Office zoning district and then they would have the other portion of town to contend with, but because every one of those parcels also abuts residential zoned area, that portion is out.

Mr. Mills asked if the parcels were under different ownerships.

Mrs. McKnight stated that she believes they are, but would check.

Mr. Pearce stated that he believes that they are under different owners. There is also a question in regard to the Berry Center. What is going to happen now that the State has it back?

Mrs. McKnight stated that all of the parcels either abut a residential zone or are very close to the residential use. They could make it all apply to the whole Industrial Office to make it restricted.

Mr. Hayden stated that both of Industrial Office areas could be done.

Mr. Pearce stated that doing it as an overlay in the Industrial Office areas would pass scrutiny easily because it will show that they chose a large enough area and is a good faith effort.

Mrs. McKnight stated that she agrees, but they do not have to do it as an overlay because it would just be special permit use within certain distance criteria for the Industrial Office.

Mr. Pearce stated that the only downfall would be to designate another Industrial Office area.

Mr. Mills asked if it could be designated as an Industrial Office 2 area.

Mr. Hayden stated that they could change the name, to change part of the criteria.

Mrs. McKnight stated that the way the State has written the default is that it is measured from the building at 300'. She has written the North Reading Bylaw to read that it is measured from property line to property line.

Chief Murphy asked what would happen if the current facility, Celebration Kingdom moved out of the area, but another child facility moves in.

Mr. Hayden stated that it would be at the child care's risk.

Chief Murphy stated that they are in the process of developing a bylaw for Level 3 sex offenders. The change would be to restrict them from housing in areas of schools, playgrounds and bus stops. It is currently listed at 1000 feet, but he would like to change it to 2000 feet. Should the distance be consistent with the Medical Marijuana facilities?

Mrs. McKnight stated that for these purposes 2000 feet may be a lot.

Mr. Pearce stated that he believes that there may be a difference between inferred danger, possible danger and a known danger. To give them all the same weight, would be questioned.

Chief Murphy asked if there were any provisions in the bylaw for civil fingerprinting.

Mrs. McKnight stated that there were not.

Mr. Pearce asked if it was in the States regulations.

Chief Murphy stated that he would like to have it added, but is unsure if it needs to be in the current local fingerprint bylaw. This is probably a question that Town Counsel should be asked.

Mrs. McKnight stated that she has reached out to the Board of Health a couple of times to see if they would like to be included in the bylaw, but has not heard back from them. She does not believe that they can put anything into the bylaw requiring the dispensaries to get a separate license from the Board of Health.

Chief Murphy stated that they should be involved because it is a health issue.

Mrs. McKnight stated that they do not have to be involved. Some communities have taken a position, from a planning and zoning perspective that they don't want to treat it any differently from any other use, so they will just fall back on the State regulations. As far as communities that have put together their bylaws, there is not that many yet. Most of the Medical Marijuana bylaws that have gone through at this point are the Moratorium bylaws. She has based the draft approval on the Town of Dennis's bylaw that has been passed and approved, which is very early. She will continue to collect and review to see what other communities are doing. She can also send something out on the Mass Planners list server to ask "If their community is planning to do a bylaw, and if so, are they planning to include their Board of Health".

Mr. Mills stated that Georgetown, Canton, Westborough and Barnstable are active in doing a bylaw.

Chief Murphy stated that they are going to be selling food with the medical marijuana in it.

Mrs. McKnight stated that she believes it will be the State who will be inspecting.

Chief Murphy stated that if the food is going to be prepared on site, there should be an annual inspection, by the town's Board of Health.

The consensus of the commission is that the Board of Health should be involved, if the food is prepared on site.

Mrs. McKnight stated that what she has heard from the presentations at some of the workshops she attended is that the products where the drug is contained in the food are not considered food within the local health purview.

Mr. Pearce stated that he does not care about the way that it is consumed or sold; it is where it is prepared. The fact that it is prepared at a site almost requires USDA inspection and a local permit.

Mrs. McKnight stated that she will speak to the Board of Health Inspector, Martin Fair, but if that board comes back and says that they want to follow the State regulations to the letter and do not feel the need to pass their own local bylaw and don't want a requirement put into the planning bylaw, then we will need to respect this.

Mr. Hayden stated that responsibility can be put upon a regulating body with a bylaw, it happens all the time.

Chief Murphy stated that there are only three definitions in the draft bylaw. The license is issued through the State and then they need to get a Special Permit. Is it the person, dispensary or corporation?

Mrs. McKnight stated that it is the entity.

Chief Murphy stated that the dispensary agent should be added to this.

Mr. Pearce stated that the application needs to include the name and address of each owner, which means that there could be more than one owner.

Chief Murphy asked if any other laws defined by "105 CMR".

Mrs. McKnight stated that she believes that this can be included.

Mr. Mills stated that anywhere that they are speaking of a person should be defined. Instead of the word "Owner" they should use the word "Executer".

Mr. Pearce stated that there could be another owner whose name is on the permit, but not necessarily an officer.

Mr. Mills asked what type of information would be on the application form, is it a standard license, similar to a liquor license.

Mrs. McKnight stated that whoever currently creates applications for the Town, would create this application.

Mr. Pearce stated that the Board of Selectmen is going to be the Special Permit Granting Authority, so they would create the application.

Mrs. McKnight stated that if the new Land Use reform law gets passed and she believes that it will. The way that it will work with special permits and site plan review, is any board that is a special permit granting authority for a particular review, will also do site plan review, if the project triggers site plan review. She believes that everyone agreed to have the Board of Selectmen be the granting authority for the Medical Marijuana. However, this commission, by default, would be the one to do site plan review, if the law goes through.

Mr. Mills stated that he saw that someone was given a 5 year license and then must come back within a 120 days before the license expires. Is this something that could be added to the bylaw?

Mr. Hayden stated that this is the responsibility of the licensing board.

Mr. Pearce stated that they could do a recommendation regarding this.

Chief Murphy stated that it should be annual.

Mr. Mills stated that he is speaking about the special permit in the bylaw.

Mrs. McKnight stated that they could put a time limit on the special permit.

Mr. Pearce stated that there is a problem with this. When they come back in 4 years to renew their permit and there is now a daycare residing in the area, they will be denied. It should be that when the special permit is issued, it is for the duration and the license is where the control is.

Mr. Mills stated that the special granting authority needs to be notified of any incident reports issued by the State. A copy of these reports should be sent to the commission.

Mr. Pearce stated that any health violations should also be sent.

Mr. Mills asked if there were any grounds for revocation.

Mr. Hayden stated that Mrs. McKnight should look at the Georgetown draft bylaw to see what they may have.

Mr. Mills stated that the hours of operation are shown as 8:00am to 8:00pm. Can this be changed to close at 6:00pm?

Mr. Pearce stated that this might cause resistance if it is a qualified medical facility. To limit the hours of a medical facility, means that you are eliminating the hours of care.

Mr. Mills stated that the signage shows that the lettering needs to be 2" is there any other signage.

Mr. Pearce stated that the sign also needs to state that a medical marijuana card is needed.

Mrs. McKnight stated that the State has difference restrictions for signage.

Chief Murphy stated that another restriction is that the sign will be no larger than 16" x 18".

Mr. Mills stated that he would also like to know is it internally or externally lit, moving or flashing

Mrs. McKnight stated that she would check to see what the restrictions are with the State. If the State law is not restrictive enough, the commission can do specific signage.

Chief Murphy stated that the State regulations do not allow the signs to be displayed or clearly visible from the outside.

Chief Murphy asked why the drive-thru has to be in vehicles.

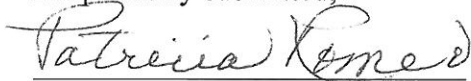
Mrs. McKnight stated that it means that they cannot have a drive-up window at all.

Chief Murphy stated that he did not see anything in the State regulations regarding revocation of license.

Mrs. McKnight stated that she would try to get the information.

Adjournment at 7:30 PM

Respectfully submitted,

A handwritten signature in cursive script that reads "Patricia Romeo". The signature is written in black ink and is positioned above a horizontal line.

Patricia Romeo, Clerk