



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 2/12/14

Planning Board Meeting Minutes January 14, 2014

Members Present: Rick Leif, Leslie Harrison, George Pember, Theresa Capobianco

Others Present: Kathy Joubert, Town Planner; Tom Blasko, Amy Poretsky

Medical Marijuana Bylaw Discussion

The board reviewed the latest draft of the Medical Marijuana Bylaw (MMJ). They focused on the definition setbacks of 300, 500, and 1000 feet; use by right and/or special permit; zoning districts in which to place RMDs and facilities, including the Highway Business District and Industrial zones; and concerns of board members and residents regarding lighting and security required by the state for the RMDs. Ms. Joubert noted decisions on these items need to be incorporated into the draft bylaw by the next meeting on January 21st and she briefly reviewed the Pittsfield and Hopkinton MMJ bylaws.

Ms. Joubert stated none of the bylaws she's researched has anything specific on lighting and cameras, but surveillance cameras will be required to be placed in specific locations on the site. She reminded the board a lighting plan is required to be submitted for Planning Board Site Plan Approval and the Design Review Committee will review it, also.

Tom Blasko, 18 Pond View Way, was concerned about possible invasive lighting from the RMDs and cultivating facilities and wanted to know how other towns have handled it.

Amy Poretsky, 47 Indian Meadow Drive, does not want them to be located in the Highway Business District or located near a residential neighborhood.

Ms. Joubert note the Police Chief was fine with locating them in any district. Ms. Harrison stated location in the Highway Business District will address perception.

Mr. Leif reminded everyone it won't be an issue for the town in 2014, but it could be in the future. He stated the board is considering whether to define them as another business/manufacturing use in industrial, commercial and highway business districts, with setbacks of possibly 300, 500 and 1000 feet. Maps created by MIS/GIS Director David Kane show 300-foot setbacks would allow placement in all the districts. As far as locating near a school or daycare (where children congregate), Mr. Leif stated they will have to conform to Department of Public Health (DPH) regulations and Town regulations. The Board can choose where to put them and will follow the Site Plan Approval process.

The board discussed aspects of the cultivating facilities and Mr. Leif stated the manufacturing operation is done mainly in a building in which the marijuana will be processed and sold in many different forms, including pills, salves and inhalants, and which are used to ease the pain and suffering of patients who get a prescription for it from a doctor. There could be 2 buildings, one for manufacturing and one for dispensing or one building that houses both. Ms. Capobianco was concerned with the security of outside

cultivation. Mr. Leif stated it will be done within state regulations, but towns can regulate them as long as they don't conflict with DPH and other zoning regulations.

Regarding permitting the use(s), Ms. Harrison stated she prefers requiring a special permit for the use because it gives the board more control.

In response to a question from Ms. Capobianco, Ms. Joubert stated DPH regulations calculate setbacks from the property lines, not from the building, and other bylaws from other towns calculate them from the property lines, as well.

Ms. Harrison stated she thinks the RMDs should be able to locate in any district and only be required to comply with the setback regulations of the zoning district in which they want to locate. She asked others present why they would treat this use differently from any other business, as far as setbacks and location. She stated the old Lowe's Market site would be a good place for it. It's not an illegal drug, it's a controlled legal use. She explained she went to a Central Mass Regional Planning Commission (CMRPC) meeting regarding medical marijuana and there were 30 towns represented by 40-50 people. She asked them what the basis is for the distance of RMDs to where children congregate, and the response was there is no basis, and no one approached her in person to discuss it.

Ms. Poretsky said the downtown area is close to Assabet Park, where children congregate, and she is concerned about the large cash dealings. She stated the state has its own setback and the town should, as well.

Mr. Blasko stated his wife has a home daycare and he wouldn't want people purchasing marijuana near it who may not be using it for medicinal use. He asked the board what the Police Chief felt about the use. Mr. Leif responded Chief Leahy said he is more concerned with prescription drugs sold in CVS, such as oxycodone. He noted the Police Chief stated there are other places in town that have a large cash business and they have no problems. Mr. Leif stated the ballot question for this passed by a 2/3 vote of the State and Northborough voters. He stated there is no doubt some people are going to view it as introducing an illicit drug trade into Northborough, but 63% of the people in Northborough didn't see it that way. There will probably be abuse no matter where they are located. Although the Industrial District seemed like a good place, it is an easier location for crime to be committed. A more populated location may be safer, but then there's the perception issue. For people who really need the medical marijuana, it should be easy for them to get to the dispensaries.

Ms. Capobianco stated the Police Chief said he's not worried about the use because it's not going to come to Northborough, and that the populace for the need is not here. Although the likelihood of crime is slim, she would like to have setbacks from places where children gather. She stated she would not want children to see people attacked by someone who wants drugs. She also does not want it next to a school. She stated she thought fencing was required by the state.

Ms. Joubert stated she had thought the same about fencing, but went through the CMR regulations and it was not required. In the DPH's regulations, it mentions landscaping but not fencing. The DPH did say they do not mean to take away the right of a town to determine appropriate landscaping.

Mr. Leif stated the DPH is taking a "rather be safe than sorry" stance, and I think the board should as well. He believes the Highway Business District with a 300-foot setback allows for a fairly busy place for these facilities and a place where they are away from areas of concern. It will also be more open and viewable regarding crime than it would be in an industrial zone.

Ms. Capobianco asked if the board could require fencing even if the state regulations don't. Mr. Leif stated the town's regulations do not require it. Ms. Capobianco asked if the town regulations prohibit fencing. Mr. Leif stated he doesn't want to make the facilities look like prisons. The Highway Business District location with the 300-foot setback would manage people's perception.

Ms. Harrison asked if cultivation is considered agricultural. Ms. Joubert responded the concern is that people will try to make the argument that this is an agricultural use and they are exempt, if the town has no bylaw. However, the state has determined it is not an agricultural use and every document she has checked has supported that. She stated people may try to argue it's an agricultural use and exempt from zoning so it can be located anywhere with 5 acres of land. The DPH says it is not exempt. If this was an agricultural use, a bylaw wouldn't be needed. Mr. Leif noted this is also in the Pioneer Valley information.

Mr. Leif stated he wants the board to be prepared to decide on a definition, a zoning district and setbacks, the same as for the solar bylaw.

Ms. Joubert noted Mr. Kane will have the solar maps at the next meeting and this all needs to be ready by February.

The meeting adjourned at 7 pm.

Respectfully submitted,

Debbie Grampietro
Board Secretary