

Buckland Planning Board
Meeting Minutes
December 20, 2018 6:30 p.m.
Buckland Town Hall

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AGENDA

1. Open meeting; preamble, process.
2. Continue Recreational Marijuana Bylaws discussion - Draft 7 with town counsel comments
3. Discuss Marijuana Retail uses.
4. Public Comment.
5. Set Public Hearing date.
6. Other topics not anticipated by Chair 48 hours prior to meeting .
7. Review and approve meeting minutes.
8. Adjourn the meeting.

ATTENDEES

See attached.

MEETING

1. Open meeting; preamble, process - Chair Michael Hoberman opened the meeting with an overview of the evening's agenda, how the Board must proceed to achieve its agenda goals, and the proper way to seek to be recognized and address the board during public participation.
2. Continue Recreational Marijuana Bylaw discussion; Draft 7 with town counsel comments -
 1. Michael introduced Peggy Sloan from FRCOG to review the changes made by town counsel to the current Marijuana Bylaw Draft.
 1. Changes made to definitions to make them match with state definitions:
 1. Craft Marijuana Cooperative
 2. Marijuana Micro-business
 3. Small Scale Marijuana Cultivator
 2. Regarding water efficiency and waste water treatment, applicants are required to submit a water management and waste water disposal plan.
 3. Water usage set at Massachusetts standard, not DEP.
 4. Noise levels determined (shall not not exceed 30 dbA at or beyond property line 6:00 p.m. - 6: a.m.) and dark sky compliance required for illumination.
 5. Agricultural Manufacturing does not include any type of marijuana establishment/product.

6. Home based business does not include any type of Marijuana Establishment.
7. An expiration of five years was established for a Special Permit to operate a Marijuana Establishment in Buckland. Other parameters were also given for renewing Special Permit.
8. Town counsel suggested collapsing some line items to shorten the use table, but Peggy believes it is best to leave as is for clarification.
9. Peggy gave background, explanations, and expanded on each topic. No public input.
2. Board discussion on town counsel suggestions/new draft -
 1. Questions for clarification on Micro-business; want to be clear on it; is it different than current performance standards? Peggy defined Micro-business and what specifically it was designed to address for a business model. Andrea further questioned, if within it's 5,000 square feet, would its cultivation portion be restricted to 2,000 square feet to comply with "Small Scale Marijuana Cultivator" regulations? Board agreed this needed to be resolved. After further discussion, Peggy suggested and Board agreed, that a footnote be added specifying that the cultivation area of a Marijuana Micro-business must be 2,000 square feet or less and comply with section 4-7.
 2. Board also discussed the order in which an applicant followed through the process to open a marijuana establishment in Buckland. Want to ensure smooth transition from one board to next. More on discussion later when a hard copy of host agreement is on hand to refer to.
 3. Discussion on setbacks, dark sky standards and compliance.
3. Open to Public -
 1. One resident spoke who is still not in favor of marijuana cultivation on any scale in Rural Residential; feels marijuana should not be given preferential treatment.
 2. Peggy Sloan replied that other business are allowed in Rural Residential, and referred to section 4-7 citing the more stringent performance standards for small scale marijuana cultivation.
 3. Discussion followed on performance standards.
 4. Another resident spoke referring to the straw vote taken that would not allow Marijuana Cultivation in Rural Residential, then the issue that arose about home-based business but ultimately couldn't meet the performance standards. So why now try to create a way to make it fit?
 5. John Gould addressed performance standards. Either marijuana standards would have to be relaxed too much to qualify for a home based business under current regulations or home based business would have to be too stringent to meet marijuana regulations so that all could be under the same "umbrella", neither of which is a viable solution. Therefore, Small Scale Marijuana Cultivation could not be a home based business as we know it and had to have its own designation for an analogous category.
 6. Peggy gave a brief overview of where we started and the path that took us to this point in considering marijuana cultivation. In questioning the possibility of

smaller scale marijuana cultivation (as an alternative to only larger scale) and the necessary safeguards, the query progressed to where we are with the answer of Small Scale Marijuana Cultivator and its corresponding performance standards.

7. Question was raised regarding existing barns /structures and how they would be considered if higher or larger in area (square footage) than allowed in regulations. Is there a way to allow existing structures or will new ones have to be built? Will it affect height of lighting? How will differences be accounted for and monitored? Discussion followed regarding age for existing structure to be considered for re-use.
8. Chris Rose asked for, and was granted, permission to read a letter he had written stating his position on marijuana cultivation in Rural Residential zones of Buckland.
9. Michael Hoberman cited a recent Independent article interviewing people on the street asking if they were in favor of marijuana cultivation; 7 out of 8 were. He felt that survey was indicative of public opinion, that bylaw must appeal to all, and cannot be too restrictive. He felt current version struck a balance.
10. John Gould explained that while residents must be protected from impact, there must also be an avenue for opportunity, and an effort made to "facilitate residential commercial and industrial betterment in a responsible manner that doesn't close the door on anyone." He feels the small scale cultivator addresses that.
11. Regarding the Independent poll of people on the street, one resident posed the scenario of interviewing by re-phrasing the question. The answer often depends on how the question is asked. Point also made that those living in town have different perspective than those in Rural Residential. Brief discussion.
12. Another question posed as to "why bother" with small scale cultivation if this product (marijuana) requires so many contingencies and performance standards? Board's answer was that because it is a controlled substance it needs more regulations than other businesses and since those guidelines will be set, it is up to the potential small cultivator if they wish to pursue business based on those standards. Not everyone has the capital to engage in large scale production and this affords a person of lesser means the opportunity to supplement income with a smaller investment. It is being incorporated in bylaw to try to satisfy the greatest number of residents/voters. Lengthy discussion on including small scale cultivation, particularly in Rural Residential, or not including it, the residents' reasons against inclusion and the Board's reasons for incorporating it after the path that has lead the Town and the Board to this point in the bylaw process.
13. Discussion about public hearing and how bylaw proposal will be introduced at public hearing. Is it possible to have two drafts/proposals to offer at public hearing because of opposition to small scale marijuana cultivation particularly in Rural Residential? What exactly will they be? How is this scenario dealt with? Is it best to have two public hearings? Peggy Sloan advised consulting town counsel

on matter. Andrea Donlon felt that public hearing is an opportunity to feel the public pulse on the subject/proposed bylaw.

3. Discuss Marijuana Retail uses -
 1. Peggy suggested removing SPR from the use table for Marijuana Retail Establishments and having SP across the board (in zones they are allowed). After a brief board discussion, that was the Board's decision.
4. Public Comment - Covered in public portion of Marijuana Bylaw discussion
5. Set Public Hearing Date -
 1. Public Hearing Date set for February 7, 2019 at 6:30 p.m.
 2. Next Planning Board meeting Wednesday, January 23, 2019 at 6:30 p.m.
 1. Three changes to remember:
 1. Footnote to clarify micro business
 2. Existing buildings limited to historic structures
 3. Flashing lights, odors, etc.
 2. Peggy gave handouts to Board regarding Public Hearing.
6. Other topics not anticipated by Chair 48 hours prior to meeting - Andrea inquired about opening on Board. Supposedly an applicant. No word on a replacement to date.
7. Review and approve minutes - Minutes from November meeting reviewed. Approved unanimously with one edit.
8. Adjourn the meeting - John moved to adjourn. Andrea seconded. Motion to adjourn was unanimous. Meeting adjourned at 8:52 p.m.