



Town of Tyngsborough
Adult Use of Marijuana
Planning Board Subcommittee

25 Bryants Lane | Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300, ext. 115 | Fax: (978) 649-2301
Community Room

FINAL MEETING MINUTES

February 20, 2018
6:30pm

Present:

Voting Members

CD: Chaz Doughty, Planning Board | **KOB:** Kim O'Brien, Planning Board |
JP: Joe Polin, Zoning Board of Appeals | **JR:** Jonathan Reeny, Board of Health |
RJ: Robert Jackson, Board of Selectmen | **MM:** Mindy Michalek, Citizen Rep

Advisory Members:

CRH: Police Department: Chief Richard Howe | **PS:** Fire Department: Deputy Chief Patrick Sands
KO: Health Department: Kerri Oun | **MH:** Town Administrator: Matt Hanson
GB: Citizen Representative: Gary Browning | **SK:** Citizen Representative: Shaun Keegan
SB: Citizen Representative: Steve Berthiaume |

Attachments:

1. Agenda
2. Zoning Map
3. Groton Adult Use of Marijuana Bylaw
4. Lowell Adult Use of marijuana Bylaw

DISCUSSION

6:30 pm.

1. **Welcome and Introductions.** Chairman CD opened the meeting. The group introduced themselves.

2. **Public Listening Session** – Recap and Review Feedback from 2/15/2018

CD recapped the public listening session. The group found it to be very helpful and informative – especially the presentations from KP Law and NMCOG.

3. **Community Feedback**

This agenda item was an opportunity for Subcommittee members to provide feedback they have heard (outside of the listening session). Citizens can provide feedback if they were not able to attend the listening session. CD asked if anyone had additional feedback. No additional feedback was provided.

4. Regulatory oversight options

- Flow Chart of options for regulation
- Local zoning map
- Sample Bylaws
- 3% Tax Option

CD - reviewed the areas the town can regulate, reviewed the process involved, and discussed the various marijuana articles that will be brought to town meeting. DM has created a flow chart to visually show the process.

JP asked about delivery. He would like to regulate the hours. CD - the state has set an 8am to 8pm delivery timeframe. The town cannot regulate delivery, but can regulate retail store hours. MH - in Groton delivery is combined in the same category as retail, which means delivery has to meet all the same requirements as retail.

CD - interested to hear the subcommittee's thoughts on social consumption. CRH is not in favor of it for Tyngsborough. RJ spoke out in favor of retail. A discussion ensued regarding retail considerations including crime, traffic, location, hours, health., security, and the 3% tax. Positives and negatives were discussed for each. JP - doesn't want Tyngsborough to be a test for the 3% tax. Concerned there is no breathalyzers test for marijuana.

MH - approximately 4 companies have talked to the town so far. Discussed industrial zone, and security plans. Reviewed East Hamptons security requirements. Groton only allowing retail and testing in business zone. Everything else is in industrial zone. CD - Groton's bylaw looks good.

Discussed the possibility of an overlay as well as the definition of where children congregate. CD – the requirement to be 500 feet from “where children congregate” is really limiting things. Asked for a map showing the location of where the daycare locations and private schools are located. DM will work on this, but hasn't been able to complete it yet. JP – need to look at Town Meeting and work backwards to make sure we hold all public hearings in time. Wants to copy GROTON because they already put a lot of thought into this.

Talked about the possible revenue to the town. The average across the state is 12 million in revenue. This will vary by town. Dispensaries in Boston may make more than those in western MA.

The group discussed where various marijuana establishments should go. The group decided on the following:

- Retail in B3
- Microbusiness Research Facility and Independent Testing Lab and Cultivator and Product Manufacturer would be in B3 and Industrial
- Microbusiness in Industrial with special permits with BOS and PB approval.

Regarding social consumption, Groton has said they don't want it and CD thinks Tyngsborough should do the same. CD asked for a motion for the zoning.

RJ: Motion to zone for marijuana establishments in the zones discussed (see above).

JP: Seconded.

In Favor: 5; Opposed: 1

Passed: 5-1

Discussed changing the zoning from property line to property line to building to building to comply with the new regulations.

Regarding prohibiting social consumption,

RJ: Motioned to prohibit social consumption in Tyngsborough.

JP: Seconded.

In Favor: 5; Opposed: 1

Passed: 5-1

JP asked about smoking clubs and are they allowed. CD - If your community allows smoking clubs then you cannot ban them from allowing marijuana. MH and DM will look into on-site smoking clubs and what we can and cannot regulate.

Public Comment: Joe S. does not live in town but wanted to talk about the host community agreement. And how we can make benefits from the host community agreement and we can get revenue.

Mike Latulippe spoke. He is one of the 25 members of the cannabis control commission advisory board. The Host Agreement is a way for communities to obtain revenue from facilities other than retail. He is the primary developer of social consumption regulations. ML discussed social consumption and how it can be allowed. It is currently being discussed at the state level. Mike can be a resource for us and can help understand what the commission is thinking.

CD asked ML to clarify social consumption at a smoking club. Proposed a mixed-use license for smoking clubs so that a town can generate revenue from smoking clubs. However, the commission is not looking to regulate places where marijuana is not sold. The Board of Health can ban smoking of all types within a club. ML recommends not to worry too much about social consumption right now. The future of social consumption is unclear. ML wants to clarify that the cannabis control commission set out a license for social consumption because it would allow adults who want to consume to go somewhere to consume. This closes the consumer loop. People need a place to go. Otherwise it excludes some people from being able to consume – for example, people with children or people in apartment buildings.

MH would like us to update the medical marijuana draft as well. CD thinks that makes sense

Wants to know the # of liquor licenses. CD says it is 5. There are 5 package store licenses.

5. Next Steps

Next meeting is Tuesday March 6 at 6:30. At that meeting we will review the draft bylaw. Will then have one final meeting one month from today we would have a final bylaw. Chief Howe cannot attend but will send a representative. Will wrap everything up by 3/26 so we can start the public hearing in April.

ADMINISTRATIVE

6. Approval of Minutes: None

7. Old Business: None

8. New Business: None

8:15pm Adjourn

RJ: Motion to adjourn.

JP: Seconded.

In Favor: 5; Opposed: 0

Passed: 6-1