



**Town of Tyngsborough**  
***Adult Use of Marijuana***  
***Planning Board Subcommittee***

25 Bryants Lane  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300, ext. 115  
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Meeting Room 1

**FINAL MEETING MINUTES**

March 6, 2018

6:30pm

**Voting Members Present:**

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

**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 | **DM:** Danielle Mucciarone

**Attachments:**

1. Agenda
2. DRAFT Marijuana Bylaw

**DISCUSSION**

**6:30pm.**

**1. Welcome and Introductions**

The group conducted introductions.

**2. Community Feedback**

There was no community feedback.

**3. Review DRAFT Bylaw(s)**

DM has created a DRAFT bylaw. She took the Tyngsborough Medical Bylaw and updated it based on previous discussions. The sample bylaws from other communities were also used. The group walked through the document line by line and engaged in discussion about the DRAFT bylaw.

The definition of medical marijuana establishments and licensed marijuana establishments were clarified. For section 5.20.03 the group decided to remove federal from this line.

SR clarified that there is a difference between resting and research facilities. DM will clarify that change.

DM asked why it is a requirement for a standalone building. CD indicated that other towns don't do that. A resident commented that it makes it a little more difficult for business to go in. CD indicated that things are already limited. RJ: Having a single standalone facility might not be needed if we have all of the other protections in place. If someone can articulate the reason why we need it then we will keep it. The lots are already limited.

Discussion about allowing medical and recreational marijuana facilities in one facility. This will be allowed. Danielle will clarify.

There was a question about if medical facilities will still be in operation. Michael LaTulipe (CCC Advisory Member): Advocating for patients to be an integral part of the program and to maintain medical facilities. This is because Adult Use facilities will not be able to offer any veterans or senior discounts. Medical facilities protect patients from employment discrimination, and adult use facilities will not. Medical can also take higher levels edible products rather than other non-medical.

JP: Wants to keep medical and recreational separate and not included in the same building.  
KOB: We can negotiate that if someone comes in with a medical license we can negotiate as part of the host community agreement if they can convert to recreational or not.

RJ wants to hear from all the voting members. RJ sees no problem with having medical and recreational in the same area. Sees this like a pharmacy. You can go behind the counter and get something with a prescription or you can go to the aisle and pick it out. Agree that with not having a doctor at the same location prescribing it.

ML: It is a requirement for a separate line at co-located medical and recreational facilities. Do not want a medical facility to become unviable financially because they are losing business to an adult use facility.

CD: wants to hear a vote on eliminating Eliminate part 5.40.01 (a) which requires that the establishment be in a standalone building.

**Motion to remove the requirement for a standalone building**  
CD Motioned | In Favor 4 | Oppose 1 | Abstain 1 | Motion passes

GB: Asked again about the issue of a free-standing building because this would show it was a serious applicant.

The group discussed the hours of the facility. Some members don't want to be restricted more so than the state already restricts us. Many want the ability to look at the facility and determine

its hours of regulations as long as it doesn't run afoul of any state regulations. They want the Planning Board to weigh in on the hours during the special permit process. Wants the fire department to weigh in as well. The group discussed how restricting alcohol sales only made people rush to the store to buy alcohol. It did not make people drink any less alcohol. The group discussed traffic.

The group discussed how Establishment also applies to a lab, testing facility etc., and what if a lab wanted to have two shifts? There is a discussion about how it may unintentionally restrict people who might be in a strip mall. If mall doesn't open until 10 then it can't open until 8. Board of Health did not agree. Indicated that some regret allowing certain bars in town.

**Motion to remove a restriction on hours of operation**  
CD Motion | In favor: 5 | Opposed: 1 | Motion passes

The group discussed section 5.50.05 to add 500 feet barrier for natural barriers.

Discussed 5.50.06: testing and research facilities may be engaging in some of these activities. Clarify that this only related to adult use retail and medical retail.

The group discussed how each facility will have a lock box containing the key for police and fire. Fire Department will write the ability to enter the facilities into the special permit as well. BOH wants to be able to inspect on a quarterly basis. Fire DEPT will be going in on a quarterly basis to inspect. Security plan could be restricted to fire and police so the integrity of the. Fire: Building chemicals is part of the review process.

Discussed on site generation facilities. The group was generally opposed, so it will be taken out. It was generally agreed that it would still be good to encourage energy efficiency.

Discussed Natural Barriers and the ability of a marijuana establishment to abut a residential district.

The group discussed eliminating 5.50.08 section on the signs. They were in agreement to remove the section on signs.

**Motion to remove sign language.**  
RJ Motion | In favor: 5 | Opposed: 1 | Motion passes

Once the establishment receives the report they will forward it to the board of health and shall be kept on file at the business location.

#### **4. Next steps**

Official regulations will be filed by the 9<sup>th</sup> and then they will be signed by the 15<sup>th</sup>. We will make a new book with the regulations by that time.

Will meet on Tuesday 3/20 to finalize the bylaw. Then send to KP Law for review. Then have public hearing on 4/5. DM will ask KP for the turn around and the final regulations for legal review.

**ADMINISTRATIVE**

5. **Approval of Minutes:** Approved Meeting Minutes from 02/06/2018 and 02/20/2018

JP will be marked as absent

**Motion to approve the meeting minutes from 02/06/2018.**

KOB Motion | JP second | **In favor: 6 | Opposed: 0 | Motion passes**

**Motion to approve the meeting minutes from 02/20/2018.**

RJ Motion | KOB second | **In favor: 6 | Opposed: 0 | Motion passes**

1. **Sign Forms: None**
2. **Old Business: None**
3. **New Business: None**

**8:15pm**      **RJ: Motion to have Adjourn.**  
**KOB: Seconded.**  
**In Favor: 6; Opposed: 0**