**Planning Board Minutes**

**DATE:** February 6, 2019

**Convened:** 7:00p.m.

**Members Present**: Dave Killian, Pamela Marquis, Russell Smith, Kate Koprowski, and Noah Smith

**PUBLIC FORUM 7pm-8pm:** Marijuana Bylaws-Deadline February 28th, Dave opened and described what the Planning Board is attempting to do with new state law and regulate it. Jonathan gave some background about the law. A town can prohibit commercial marijuana establishments, but voted yes in 2016, ban one or more types of marijuana businesses, at a town wide meeting and town election. We want to pass regulations for Brimfield, otherwise it may be allowable under the closest bylaw we currently have. We need to pass zoning bylaws that regulate this type of use.

Dave Girouard asked why cultivating is only being allowed in indoors, when we are an agriculture community. Things like smell is an issue. It maybe allowed when in a co-op type arrangement, otherwise it is viewed as an industrial. The state statute says 500 feet from any where there are children, 300ft buffer from residential. We should have established buffers to keep away from houses and other businesses. Described all the different types of facilities there can be. Manufacturing processing, Micro business (less than 5000ft of cultivation), Cultivation, Retail, and testing. If we don’t get a 2/3 vote at town meeting, there will be nothing in place after June 30th, it would fall under the closest bylaw we have now. We should have a host community agreement signed first before site plan can go forth.

Paul Adams, asked if once a draft is written can we have a Public Hearing to notify the community. We let him know the process we currently do.

Lee Adams- asked if we can increase the 500 to 1000 feet from a school? Jonathan explained the setbacks, and how to be careful with them.

Paul McCarthy-Asked if the Board likes the Pioneer Valley sample of a bylaw and if it would be wise to use that?

Kenneth O’Keefe-Washington Road, thought that the town could hold more than one retail shop so 2 is fair. Cultivating, he thought, 2 might not be enough maybe 4 is to be fair for tax standpoint. Maybe double the size of the facility for growth.

Jonathan mentioned that the square footage is calculated by mature canopy. 2500 might be too small. Dave asked is there a state standard, can we put an under canopy limit that is fair with state law? Jonathan would be happy to discuss it with Attorney General office to see if the 2500 will fail. Cannabis Controls commission has control over how to handle the waste water. Possibly do bylaws for special permit process. Tax rate-Statute allows to adopt a local tax up to 3% for retail sales. Impact fee in the host agreement up to 3% not limited to retail. Jonathan explained the fees he can write in, such as once revenue begins to come in, you can get more percentage on that. Agricultural co-op for the farmers, should be allowed as well.

Becky Girouard-asked if you are a town that bans it, does that mean the town can’t get funds from marijuana that the state collects.

Everette Rubel-Warren Road, asked if hemp or cbd is regulated by the statute, No it is not.

Dave Killian asked if any other community members had any thing else to say, None. Asked if any board members have any questions or concerns. Russell Smith, asked about inspections or enforcement of the bylaws, Jonathan, mentioned that it is a highly regulated industry to begin with, and they are very involved with inspections, such as provisional licenses, then building inspector takes care of building/special permit etc. This is all prior to occupancy. Dave mentioned suggestions that the posting an additional bond to go over and above, like a decommissioning bond? Jonathan will look into it. Under Zoning we have the right to ask for a decommission bond. Such as someone is building 1 acre footprint grow facility that can not be used for anything else, we might consider it. Do not rely on the state for decommissioning, we are on our own, if a licensee walks away from a building, with the medical waste etc. We may want to see a liability insurance certificate.

Everette-mentioned how we are known for the antique fair, but do we want to be known as marijuana, have we thought about all the people coming in.

Forum-Closed 7:55

Jonathan mentioned an overlay, allowed by special permit-proximity to residents, language not that there is no automatic setback, look at churches, schools, residents, etc. Not a property line but maybe a building. Need an option if the town decides not to approve the bylaw, also needs to add the towns percentage of income. Pam asked if we should go by ballot vs hand.

**ANR’s:** Donald Frydryk, Catherine Wells 278 Brookfield Road-Creating one new lot. Pam made a motion to accept Project 18170 as presented. Russell seconded, all in favor and none opposed.

**NEW BUSINESS:** Scott Haber, Emerald REO-289 Palmer Road – He would like to see all the plans and approvals for this property, they are the new owners. Short term hard lending company-lent monies to Elmore Realty, and foreclosed on it. Asked what has the board done regarding the plans. Does the approval go with property or with the project? Dave mentioned that the Order of Conditions would be transferred to the new owners. Asked to see the plans. It would need to be recorded as well with the registry of deeds. Jenna Elmore-said that the ownership will be changed again.

-Angela Panaccione-grant for applying to the Municipal Vulnerability Hazardous Mitigation Funding. A member would need to go to a 1 day workshop to address severe weather flooding, heat, etc., then the town can pursue action grants up to $400,000 for upgrades to facilities, culverts, bridges, anything to do with community. Asking for support, which entails going to 4 one hour meetings. There is no cost associated with it. Just volunteer time, after the grant is given the town administrators, conservation committee will be the lead on the projects. Angela let the board know that it is looking for volunteers. Pam asked how much is given each year, and you have 1 year to use it. It is not a competitive grant, Palmer got $25,000 recently. Kate asked what Brimfield would use the monies for, highway would be key core persons, the money could be used for culverts, bridges, road repair. MassDot funds can be piggy backed. Questions: Can use money for planning as well. Does it need to be tied to climate change? Yes it does. Dave asked if the Planning Board is going to vote to support it. Kate motions to support it and Pam seconds it, 2 for it, 3 against (Dave, Noah and Russell), motion fails. Planning Board does not support.

**OLD BUSINESS:**

* SWEB Order of Conditions-Reviewed the Order of Conditions. Signed. Sent with corrected date. SWEB wanted to know if they could change one of the Conditions (under bylaws? Pam asked if we can do more research on what towns have done it. ground). This board needs to modify their own order of conditions. Invite them in.
* Do we want to put a solar bylaw back on the warrant? The board agrees that we will not be putting a bylaw on solar.
* Do we think we need to have the BOS go with a simple majority vote for zoning?

TO Be Addressed in the Future:

 - meet with Fire/Police about guidelines or recommendations for bylaw changes for businesses and how to minimize obstructions in windows/doors to encourage safe lines of site in and out of the buildings.

-changes to Order of Conditions continue updating

**OTHER:**

* Review minutes – January 2nd and January 16th-Pam made a motion to approve the minutes of January 2, 2019 as written, Russell seconded all in a favor none opposed. Kate made a motion to approve the January 16th minutes as written, Russell seconded, all in favor and none opposed.
* Emails-none
* Sign payroll-signed
* Mail-reviewed
* Next Meeting-March 6, 2019

Pam made a motion to adjourn, Kate seconded, all in favor and none opposed.

**Adjourned:** 9:07pm