**MINUTES OF MEETING OF WAREHAM PLANNING BOARD**

**Date of Meeting: January 22, 2018**

1. **CALL MEETING TO ORDER**

The meeting was called to order at 7:00 P.M.

1. **ROLL CALL**

Members present: George Barrett, Chairman

Mike Baptiste, Vice Chair

Emmanuel Daskalakis

Marc Bianco

Alan Slavin, BOS Liaison

Also present: Ken Buckland, Town Planner

Members absent: John Cronan, Clerk

1. **PRELIMINARY BUSINESS**

**A. Meeting Minutes:**

* **January 8, 2018**

**MOTION: Mr. Baptiste moves to accept the minutes as written for January 8, 2018. Mr. Bianco seconds.**

**VOTE: (5-0-0)**

1. **PUBLIC HEARINGS**
2. **REFERRALS**
3. **ANY OTHER BUSINESS/DISCUSSION**

**A. Articles for Town Meeting Warrant:**

* 1. **Adult Use Marijuana Establishments**

Mr. Buckland states that this was previously referred to as recreational use, but has been changed to adult use. There are regulations in place as far as advertising and labeling, signage, and security to target an audience that is 21 years or older. These establishments will be highly regulated under state regulations. The municipality is responsible for establishing the zoning districts in which these are allowed as well as other regulations. It is also the responsibility of the municipality to come to a host agreement with the establishment as well as establishing a tax rate (the tax rate is under the purview of the Board of Selectmen). The town is also allowed to determine the number of establishments allowed in town. The town can establish that the establishments allowed in town can be as low as 20% of the number of liquor stores allowed in town, which would be two facilities, but could not go lower than 20% without a general vote. The current moratorium in place will expire on June 30, 2018. The way the regulation is now requires that a marijuana establishment come to the town first and get a certification that they are permitted under zoning as part of their application to the cannabis control commission. They must also have a host agreement in place.

Mr. Buckland states that one of the topics for concerns was which districts this use could be allowed in Town. The Board had selected the industrial, strip commercial, general commercial zoning districts for allowed adult marijuana use facilities. Mr. Buckland states it must also be allowed in the institutional district because that is where medical marijuana is allowed.

Mr. Bianco asks if marijuana product manufacturers, marijuana retailer which is either a store front retailer or a delivery service, marijuana social consumption establishment, primary use, mixed use, marijuana research facility, independent testing laboratory, marijuana transporter, marijuana micro-business could all be a potential use in these zones. Mr. Buckland states that they could be any of these uses, or a combination of these uses, unless restrictions are put into place. Marijuana transportation may not be regulated. Mr. Bianco asks what an ideal cultivation center is. Mr. Buckland states they had met with someone proposing a facility and had requested 20-30,000 s.f. for growing and retail. Mr. Bianco asks if one license would consume that much space. Mr. Buckland said it could, if the use required that space. Mr. Bianco asks if it’s possible to retail 20-30,000 s.f. of marijuana, or if it had to be shipped. Mr. Buckland stated that he was unaware of how the distribution works.

Mr. Buckland states that the Cannabis Commission stated that the agricultural exemption does not apply to marijuana. Mr. Daskalakis asked if the hours of operation are something that could be at the municipality’s discretion. Mr. Buckland believes it could be. Mr. Daskalakis also asks if they could increase the requirement of being 500’ from any school to a further distance. Mr. Buckland states they should have a map to determine where the schools are and what 500 feet from a school building looks like. There are strict standards in place regarding packaging and labeling and the attractiveness of the product to minors, but he does believe they could be more strict on this requirement. Mr. Buckland did state that every retailer will have 24-hour recording of the site.

Mr. Slavin states he doesn’t believe the Board can place restrictions on sale of marijuana.

Present before the Board: Peter Silva

Mr. Silva states he represents one facility. Mr. Bianco asks Mr. Silva if they are cultivating in Fall River and how many square feet they are cultivating. Mr. Silva says the facility has four locations in Fall River and they are all cultivating. The size for the cultivation ranges from 20,000 s.f. to 130,000 s.f. The facilities are only for cultivation of medical marijuana and they do not deliver at this time, but hope to. Mr. Bianco asks if the transactions are tracked very closely. Mr. Silva states the state and the Department of Public Health have some of the best measures of security in the country and that there are four levels of security. Mr. Bianco asks for an example. Mr. Silva states someone seeking medical marijuana must first see a certified doctor, the doctor must determine the individual has a legitimate medical need for medical marijuana. The person must submit a Massachusetts photo identification. The doctor will submit the individuals name to the department of Public Health to the registration system, at which point the individual is issued a medical identification. The individual must present their medical I.D. as well as their Massachusetts I.D. at the door before being allowed into the facility. There are cameras at the facility as well as security guards. Each transaction is registered with the Department of Public Health for them to keep track of how much the individual is buying. Mr. Slavin states he believes MassHealth gives medical marijuana cards. Mr. Slavin states he also believes that any medical marijuana facility may have the opportunity to have adult use marijuana as well.

Mr. Bianco states he feels this is a public safety issue and wants to know how they can regulate this. Mr. Buckland states currently the only regulation is that the establishment must be 500’ from any school or place where children commonly congregate. Mr. Slavin states that the only restrictions allowed are what is in the By-Law.

Mr. Bianco asks if they want to allow this use anywhere in town except for within 500’ of a school. Mr. Barrett states he would rather not have the use in any residential zone and would prefer to see it restricted to the industrial zone. Mr. Bianco asked if someone from another part of town would find that unreasonable. Mr. Barrett stated that with the ability to have a delivery service, he doesn’t see how this could be unreasonable. Mr. Bianco asked if they could have an agricultural use if they were a growing operation in an industrial zone. Mr. Buckland states he can try test cases to see how the program works in the different districts.

Mr. Bianco says there are so many uses it makes it difficult to think of appropriate requirements for each use. Mr. Barrett states they should create requirements that state they are applicable to all uses, instead of different requirements for each use.

Mr. Bianco asks what the verdict on restriction of retail in the industrial park is. Mr. Barrett states it would be required to be added to the use chart in order to be an allowed use.

* 1. **Non-Conforming Uses and Structures**

The Board has a draft re-write of Article 13 that was written by David Riquinha.

Present before the Board: David Riquinha

Mr. Riquinha states that the majority of the text was discussed at the last hearing, and he would like to discuss the few changes that were made since that time. The document has been formatted to reflect the By-Law. The definition “Owner” was added under Section 1314. Footnotes were added under Table 620, a small modification was made to Table 620, under “Other residential use” that was changed from 30,000 to 15,000. Mr. Riquinha revised Article 14 Section 1460 “Special Permit” and Section 1461 which are conditions of approval for a Special Permit; and Section 1470 “Variance” which explains what a Variance is and what’s required to achieve one. Mr. Riquinha did make some miscellaneous revisions to items that are currently in the by-law that have been re-written to be more specific.

* 1. **Drive-Thru Restaurants**

Mr. Buckland states that drive-thru’s are only allowed for non-food businesses in the General Commercial District. The question was whether they wanted to take to Town Meeting an allowance for restaurant drive-thru’s in all Commercial districts where restaurants are allowed and to allow them through Special Permit, or to allow drive-thru restaurants only in the General Commercial District by Special Permit. The Special Permit criteria would ensure that internal traffic would be safe for cards and pedestrians, site access provides enough space for vehicles entering cue and for vehicles existing to pause and exit, and that trash receptacles are available for disposal from the vehicle. Mr. Barrett states that there should be some type of criteria that states that access either through internal circulation or by a signalized intersection. Mr. Bianco states he feels the phrase internal circulation needs to be more specific. Mr. Bianco is also concerned about having too many lights on Cranberry Highway. Mr. Bianco recommends stating that a drive-thru would have to discharge onto a road perpendicular to Cranberry Highway. Mr. Buckland states he will have some language for drive-thru site access at the next public hearing.

* 1. **Riding Stables**

Mr. Buckland reads the state definition of riding stables. Mr. Barrett states he feels there should be more specific language for a Special Permit for riding stables as well. The Board also feels there should be more definitive language between a commercial stable and a homeowner owning one horse.

* 1. **Green Communities Act Criteria**

Mr. Buckland states that with Green Communities there are five criteria the Town would be required to meet, but in doing so would make a substantial amount of grant money available to the Town for energy efficiency improvements to municipal buildings.

One criteria is that there is an as of right energy facilities zoning by-law.

The second criteria is that there is an affirmation from town council that the town has been able to issue all of its permitting decisions regarding energy efficient projects in a reasonable amount of time.

The third criteria is to come up with a plan for energy efficiency and energy reduction in the municipal buildings. Mr. Buckland said there are three services available to assess the buildings.

Criteria number four is that we have a fuel efficient vehicle policy where we will purchase vehicle that have a certain MPG rating depending on the type of vehicle. This policy would not apply to fire trucks, ambulances, some municipal maintenance trucks, and all vehicles over 8,5000 pounds.

Criteria number five is the stretch code which applies to new construction requirements. Mr. Buckland states that the building code is very close to the stretch energy code and the differences are not significant. The adoption of the stretch code would require a Town Meeting vote.

Mr. Barrett asks if solar farms could be restricted to land that has already been defoliated, building roofs, and building mounted panels and still meet the green communities criteria. Mr. Buckland states that research facilities being allowed by right would qualify as well.

Mr. Barrett states he feels that the stretch code makes improvements and new construction more expensive for homeowners. Mr. Bianco asks how much, realistically, they could achieve with $250,000.00. Mr. Daskalakis thought that the current building code already had incorporated the stretch code. Mr. Slavin states that this would open the doors for other additional grants as well.

**MOTION: Mr. Bianco moves to approve an article before Town Meeting to accept the Stretch Code. Mr. Baptiste seconds.**

**(3-1-0) Mr. Barrett votes negatively**

**B. Upcoming Hearings:**

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| **February 12, 2018** | **#29-17** | **Special Permit/Site Plan Review** | **Heidi Dobbins Morse** | **Spring Avenue** |

1. **NEW BUSINESS (This time is reserved for topics that the Chairman did not reasonably anticipate would be discussed)**
2. **CORRESPONDENCE**
3. **See correspondence in packets.**

**IX. ADJOURNMENT**

**MOTION: Mr. Baptiste moves to adjourn. Mr. Daskalakis seconds.**

**VOTE: (5-0-0)**

**XII. DOCUMENTS**

**Date signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**George Barrett, Chairman**

**WAREHAM PLANNING BOARD**

**Date copy sent to Town Clerk: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**