

TOWN OF LUNENBURG
Office of the Planning Board

Matthew Allison, Chair
David Prokowiew, Vice Chair
Kenneth Chenis, Clerk
Tanner Cole, Member
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Adam R. Burney
Land Use Director

Marjorie J. Boggio
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Minutes
January 28, 2019

Meeting Posted: Yes
Place: Town Hall, 17 Main Street, Lunenburg, MA
Time: 6:30 PM

Present: Matthew Allison, David Prokowiew, Tanner Cole, Paula Bertram, Adam R. Burney
Absent: Kenneth Chenis

RECREATIONAL MARIJUANA: Draft Bylaw- A. Burney had made minor edits to Draft 2 so Draft 2.1 was reviewed by the Board this evening. T. Cole had concerns with reducing the setback from 500 to 250 feet around family child care and municipal active recreational and feels that with the reduced setback, big business is being favored over small business. D. Prokowiew remarked that zoning is to protect the rights of both commercial and residential users; he does not want cultivation in either Residence A (RA) or Residence B (RB) Districts. He is of the opinion that craft cultivation should go in Outlying District (O) and industrial cultivation should go in Office Park/Industrial District (OP/I). Commercial businesses should not be located in residential districts. T. Cole felt the Board should do away with canopy and instead limit the size of the structure. He went on to state that the Bylaw should not be created based on allowable locations and that buffer should be crafted on need. D. Prokowiew said he would consider a 500 foot buffer from property line to structure for cultivation in O. There was discussion on odor control. The draft currently states "...no marijuana odor shall be detectable, by a human nose, within more than fifty feet (50') of the structure." Planting pine trees within the canopy was discussed as a way to eliminate odor based on an article previously provided by D. Prokowiew. T. Cole felt that the best way to mitigate odor is through the buffer distance. M. Allison remarked that could be too restrictive and what mattered was that the odor was not detectable at the property line. P. Bertram suggested a submitted application also include an odor plan. Consensus was to add that chemical odor masking products would not be permitted. 250-4.15.G was previously deleted as that information is already covered in the Cannabis Control Commission (CCC) regulations. There was discussion on abutter notification; should notice be to abutters within 500 feet? Board consensus was to go with 300 feet.

Discussion ensued as to where uses should be located. P. Bertram suggested an acreage requirement as she felt it was too restrictive to confine to only C and OP/I. D. Prokowiew did not want a commercial establishment going into any residential zoning, regardless of acreage. M. Allison stated that farmers are interested in cultivation on their property, but T. Cole responded that a farmer's primary resource is their land and if they are not interested in cultivating, then they are competing with those farmers that are cultivating. He went on to say that he does not look at it as an agricultural use, instead rather a commercial use.

P. Bertram suggested a minimum of 5 acres; D. Prokowiew disagreed. There was also Board disagreement regarding buffers with T. Cole emphasizing the distance that the odor carries.

Consensus was to strike 4.15.K and write a new 4.15.G which will set minimum acreage and reasonable buffers. Discussion ensued regarding buffer distance with suggestions of a 300 foot buffer, or less of a buffer with a defined acreage. A reduced buffer of 250 feet from a residential use/residential zone was proposed in OP/I for all marijuana uses as there would likely already be more noise, light and pollution in OP/I. There was also discussion of allowing Retail in C and OP/I, and Transporter in OP/I. There was discussion of including Retail in the Summer Street Overlay District with a 250 buffer from a residential use/residential zone. T. Cole noted that as the buffer is 250 feet in OP/I and C to a residential use/residential zone, expectation would be that the buffer should be larger in residential zoning for cultivation. P. Bertram suggested 350 feet for residential zoning.

Language will be cleaned up for differing buffers for schools, municipal active recreation facilities, child care facilities, family child care, houses of worship and funeral homes to include specifying that the setback be from marijuana structure to the property line of the protected use.

Discussion ensued on buffers for cultivation in residential areas. D. Prokowiew asserted the greater the buffer the more impact it will have in preserving the surrounding neighborhood. P. Bertram felt 350 feet was reasonable. Board members opined they should go with the greater buffer and if the residents wanted less, it could be modified on town meeting floor. It could also change as a result of input during the public hearing. T. Cole felt 350 was reasonable, but an acreage requirement should be included. Board consensus was 375 feet in O, RA and RB. The majority of Board members were in agreement with a 20 acre minimum.

The public hearing will be scheduled for the Board's February 25, 2019 meeting.

MINUTES APPROVAL:

01/08/19- T. Cole made Motion to approve, P. Bertram Seconded, all aye.

01/14/19- D. Prokowiew made Motion to approve, P. Bertram Seconded, all aye.

01/14/19 Executive- D. Prokowiew made Motion to approve, T. Cole, all aye.

01/22/19 not completed

EXECUTIVE SESSION MINUTES FOR RELEASE: D. Prokowiew made Motion to release, T. Cole Seconded, Roll Call Vote- P. Bertram, aye; T. Cole, aye; D. Prokowiew, aye; M. Allison, aye.

12/4/17

1/29/18

3/19/18

3/26/18

6/25/18

7/9/18

9/10/18

COMMITTEE REPORTS:

Capital Planning Committee- Worked on prioritization. Planning Board request of \$100,000 for Master Plan was reduced to \$50,000.

Storm Water Task Force- Meeting scheduled for this week with the Town Manager.

Agricultural Commission- no report

Open Space Ad Hoc Committee- Meeting this week to finalize draft for submittal to the State.

MJTC- no report

MRPC- no report

Charter Review Committee- Public Hearing held for Charter changes.

Green Community Task Force- no report

DIRECTOR'S ITEMS:

Town Charter- One of the proposed Charter changes calls for changing 15 business days to 15 calendar days for the Board to ratify the position of Town Planner/Land Use Director. This would include weekends and any holidays. As the Board meets twice monthly, Board members did not feel this was sufficient time. **P. Bertram made Motion to request change to 30 days, D. Prokowiec Seconded, all aye.**

MGL, Ch. 41, Section 81D- Noted Master Plan funds requested through Capital Planning. M. Allison suggested moving forward there be an annual warrant article for funding Master Plan.

Lunenburg Code, Section 250-5.6.- A. Burney had a discussion with Town Counsel regarding putting something together for an upcoming town meeting.

Land Use Guidebook- **P. Bertram made Motion to approve, D. Prokowiec Seconded, all aye.**

§250- 4.15. Solar Energy Systems- no report

MEETING SCHEDULE:

February 11- Hearing continuations for Powell Stone & Gravel and Borrego Solar. New Hearings for 380-400 Electric Avenue and 400 Electric Avenue.

February 25- Hearing for Board Warrant Article

ONGOING ITEMS:

Earth Removal Permitting- no report

Economic Development- no report

PUBLIC COMMENT: Katey Adams, Williams Drive- Regarding recreational marijuana- Noted weather can have an impact on the distance an odor travels. Noted she supports prohibition and that federally, it is an illegal substance.

D. Prokowiec made Motion to adjourn, P. Bertram Seconded, all aye.

ADJOURNMENT: Adjourned 10:18 PM

Documents used at meeting:

Draft 2.1 Non-Medical Marijuana Bylaw

Minutes

- o 01/08/19
- o 01/14/19
- o 01/14/19 Executive

Executive Minutes

- o 12/04/17
- o 01/29/18
- o 03/19/18
- o 03/26/18
- o 06/25/18
- o 07/09/18
- o 09/10/18