

## PLANNING BOARD

DATE: September 12, 2013  
TIME: 7:00 P.M.  
PLACE: Large Meeting Room Town Hall  
FOR: Regular Meeting  
PRESENT: Jonathan Hankin, Chairman; Suzanne Fowle; Jack Musgrove; Ethan Culleton;  
Brandee Nelson  
Malcolm Fick, Associate Member  
Chris Rembold, Town Planner

Mr. Hankin called the meeting to order at 700 P.M.

### **FORM A's:**

There were no Form A's presented.

### **MINUTES: SEPTEMBER 12, 2013**

Mr. Musgrove made a motion to approve the minutes of September 12, 2013 as amended, Mr. Culleton seconded, all in favor. Ms. Nelson and Ms. Fowle abstained.

### **SITE PLAN REVIEW: STANTON**

Nicholas Stanton was present to discuss his Site Plan Review application for an accessory dwelling unit (ADU) at 205 North Plain Road. The ADU is proposed to be 525 square feet. Mr. Stanton said it has been a separate apartment for years. Now it needs to be officially recognized.

Mr. Musgrove stated there are no alterations proposed to the building. He read through the Site Plan Review criteria.

Mr. Musgrove made a motion to approve Site Plan Review, Ms. Nelson seconded, all in favor.

### **PLANNING BOARD APPOINTMENTS:**

Ms. Fowle said she would be willing to represent the Board on the Community Preservation Committee.

Ms. Nelson made a motion to appoint Ms. Fowle as the Board representative to the CPC, Mr. Musgrove seconded, all in favor.

Mr. Musgrove made a motion to appoint Mr. Fick as the Planning Board alternate to the Design Advisory Committee, Ms. Nelson seconded, all in favor.

### **MEDICAL MARIJUANA CLINIC DISCUSSION:**

Mr. Hankin said there was information provided by Town Counsel regarding the Humanitarian Medical Use of Marijuana Act. He said he had discussions with Ed May the Building Inspector regarding the new law allowing communities to have clinics. Mr. Hankin said Mr. May was fearful of lawsuits as the law is in violation of Federal laws.

Mr. Musgrove said it appears the state law requires a clinic and agricultural use be owned by the same entity but the uses don't have to be at the same location.

Mr. Hankin said the clinic could be an educational, treatment and dispensing center. The agricultural component does not have to be at the same location.

Mr. Musgrove said the Table of Use allows for a retail use by-right in most zones. He asked if there is a limit to how much marijuana can be grown.

Mr. Rembold said he was not aware of a limit.

Ms. Nelson said it could be grown in a green house.

Mr. Hankin said yes but not exclusively, it could be grown in a warehouse under fluorescent lights.

Mr. Musgrove said he wouldn't expect it to be grown outside.

Mr. Hankin agreed. He said in case of hardship issues an individual can be permitted to grow it for their own use.

Ms. Nelson said the I zone is a logical place for a facility, and other zones maybe more restricted because of the required existing state and federal separation setbacks of 300 to 1,000 feet from a school, church, library, or areas where children congregate.

Mr. Rembold said the Department of Public Health is using the 500 foot setback. As of right now we do not have a dispensary use listed in our Table of Use. If someone comes in and requests a permit for a dispensary they won't be able to apply. If they call themselves a retail or agricultural use we can talk about it.

Mr. Hankin said if someone owns five acres of land they can have a by-right agricultural use and the Town can not regulate it.

The Board had further discussion of the setbacks, how to establish the setback and what the minimum setback could be.

Mr. Musgrove said there are two or three scenarios that would be allowed by zoning. He suggested the Planning Board could give instruction to the Building Inspector without writing a new bylaw.

Mr. Hankin said the Housatonic Mill buildings would be a good location but the setback radius would have to be reduced from 500 feet.

Mr. Culleton said drug stores are able to distribute every kind of horrible drug without any consideration of children.

Mr. Musgrove said a line could be added to the Table of Use to allow the dispensing function in the B zones and the I zone, no R zones. Then a paragraph could be added to address setbacks.

Mr. Hankin said he would like to look a little more closely at the actual regulation. He asked Mr. Rembold to check with Town Counsel to see if a minimum setback could be less than 300 feet.

Mr. Rembold asked if a new bylaw was going to be written.

Mr. Musgrove said no, the use would be added to the Table of Uses.

Mr. Hankin said the Building Inspector would feel obligated to turn an application down if there is not specific use named in our bylaws. An applicant would have to make an argument for a retail or non-profit educational use. We might consider writing a letter to Mr. May to give him our interpretation.

Mr. Hankin asked if the State has chosen a short list of applicants for the clinics.

Mr. Rembold said the State is in the process of choosing the short list. He said he does not know how quickly the process will go. He suggested the Board hold off writing a letter. He also suggested the Board consider a discussion with the Board of Selectmen as this topic could cause a lot of public concern.

Mr. Hankin asked the Board if they were in favor of marijuana clinic within the Town limits. Everyone was in favor.

Mr. Rembold asked if there would be any place the Board would not want one located.

Ms. Fowle asked if people would go home to use it or would they walk out of the clinic and start using it. She said that would affect the acceptable distance from children's facilities.

Ms. Nelson said there would be other restrictions in place to regulate use. She agreed it would be a good idea to start a conversation with the Board of Selectmen.

Mr. Hankin asked what the next step should be.

Ms. Nelson said she is not generally opposed. She said she is generally interested in exploring the separation distance and providing guidance to Mr. May.

Mr. Hankin said in order to provide Mr. May with the level of security he needs we would have to make a bylaw amendment at Town Meeting.

Ms. Nelson agreed that an open discussion of a bylaw with the Town should be made at Town meeting.

Mr. Hankin asked Mr. Rembold to find out about the distance requirements. He said this is a law to help people in pain. We need to think about how this would help those people.

Mr. Rembold said the Board must also consider that where ever it is located the building would have to be very secure with walls and possibly high fences. He said this is another angle that should be considered.

**TOWN PLANNER'S REPORT:**

Mr. Rembold said the meeting date for the Master Plan approval is scheduled for October 10. He said it is a regular business meeting for the Planning Board so it might be a good idea to meet a little early to do any regular business prior to the Master Plan discussion.

Mr. Rembold suggested the Board think about ADUs in a two-family dwelling unit. Currently it is only allowed in a single family home. For purposes of in-fill it might be something to consider amending.

Mr. Rembold said the Lake Mansfield Task Force has some engineering options for Lake Mansfield Road; maintain as a two way road, maintain as a one way road at the current width or maintain as an emergency access road. He said the cost for whatever is done on the road is staggering.

Mr. Rembold said the LMTF meets next on September 30. The Board might consider sending comments or concerns to them. It can be discussed at the next meeting.

Mr. Hankin said going to a one way road would increase the speed of cars using the road.

Ms. Nelson said the repairs will make cars increase their speed. She said there would be a pedestrian lane so it should be safer to walk on the road. She said there could be problems with parking at the south end near the boat launch.

Ms. Fowle said there should be more parking provided. People will be parking on Hollenbeck Avenue.

Mr. Hankin said there should be a study done to determine the implications to the rest of the town if the road were closed or changed to one way.

Ms. Nelson said because the overall traffic volume is so low there would be no change.

Page 5

Mr. Hankin said the road is falling apart and it is an issue. He said there has been a lot of pressure from the neighborhood to close the road it essentially makes it a private road.

Ms. Nelson said she did not understand that position.

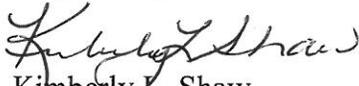
Mr. Hankin said he doesn't go to Lake Mansfield but drives the road because he enjoys the view of the lake.

Ms. Nelson said it would be still be able to be used it would just be one way.

Mr. Rembold said the Board may want to schedule this as an item at a future meeting.

Having concluded their business, Mr. Hankin adjourned the meeting without objection at 8:38 P.M.

Respectfully submitted,

  
Kimberly L. Shaw  
Planning Board Secretary

Materials Distributed for the 9/12/13 Meeting

Draft Minutes of August 22, 2013

Town Planner's email to Planning Board, dated September 1, 2013

Site Plan Review Application for 205 North Plain Road

Community Preservation Committee bylaw

K&P Community Update July 31, 2013: Regulation of Medical Marijuana-Related Uses, Part 1 of 3

K&P Community Update July 31, 2013: Draft Model Medical Marijuana Overlay District Bylaw

K&P Community Update July 31, 2013: Regulation of Medical Marijuana-Related Uses, Part 2 of 3

K&P Community Update July 31, 2013: Regulation of Medical Marijuana-Related Uses, Part 3 of 3

