

Richmond Planning Board Meeting
Town Hall
Minutes
June 4, 2018

Members present: Rick Bell, Adeline Ellis, John Hanson, Katherine Keenum,

Member absent: John Vittori (Chairman)

Others present: Neal Pilson, Richmond Board of Selectmen

Mr. Vittori appeared briefly to explain he had been called away and ask Mr. Hanson to chair the meeting. Mr. Hanson then called the meeting to order at 6:38 p.m.

1. The minutes for the meeting of May 14, 2018, as amended, were approved unanimously.
2. Mr. Hanson presented Version 3 (dated June 4, 2018) of a Marijuana Zoning By-Law Draft, which contained revisions suggested by himself, Ms. Keenum, and the Board of Selectmen (BOS) (see Exhibit 1). He reported that at a meeting of the BOS, Neal Pilson and Roger Manzolini had stressed that it was important for the final draft to be something that could be supported unanimously by the relevant town boards when it was presented to a Special Town Meeting. Mr. Hanson proposed that at the current meeting, the Planning Board should review the draft paragraph by paragraph to decide on content, leaving until later the exact wording to be sent to Town Counsel for further review.

Going forward, he proposed the following timetable:

July: Finalize the draft to be sent to Town Counsel
August: Finalize the draft to be presented to voters
Early September: Public Hearing
Early October: Special Town Meeting.

If the zoning by-law passed, it would still have to be reviewed at the state level. The Attorney General's schedule was unpredictable; but this timetable would make it possible to hold a second Special Town Meeting in 2018 if necessary.

From the floor, Mr. Pilson observed that it was unlikely that Richmond would be chosen for a medical marijuana dispensary or retail store but expressed concern that large agribusinesses could come into town, buy up property to build large indoor growing facilities, and then sue the town on the grounds that restrictions in the new zoning did not allow operations. Mr. Hanson replied that if there were no change in zoning and all marijuana establishments were restricted to the current commercial and light industrial zones, then the town would be more likely to prevail in such a suit.

Mr. Hanson made a motion to change the proposed Section 4.8.A.c. RA-A/RA-C from SPS to No and allow marijuana establishments, cultivation, or craft cultivation only in the current commercial zone. Ms. Keenum seconded the motion. It passed unanimously.

Mr. Hanson made a motion to change the proposed Section 4.8.A.d. to move marijuana transporter to be included among the marijuana establishments prohibited in Section 4.8.A.e. The motion was seconded and passed unanimously.

3. Mr. Hanson presented a Farm Function Zoning Change Draft dated May 24, 2018, (see Exhibit 2) for initial review and discussion by the Board. Drawing on the Williamstown Special Use Regulations (see Exhibit 3) as a partial model, it combined weddings and special family celebrations with small concerts into a single accessory-use category called Farm Functions and gave a great deal of flexibility to the Board of Selectmen in issuing a special permit in order to allow for differing circumstances and locations.
4. Mr. Bell complained that the new website for the Town of Richmond did not adhere to a previously approved Planning Board section. Mr. Hanson assigned him the task of coming up with something in writing for the Board to vote on if he wanted action to be taken

The meeting adjourned at 8:30 p.m.

Respectfully submitted,
Katherine Keenum, Clerk

Exhibit 1: Marijuana Zoning By-Law Draft

**Marijuana Zoning By-Law Draft
with suggested revisions by
Katherine Keenum and BOS,
And John Hanson 6/4/18**

Add a new section as follows: (changed the order of presentation for easier explanation)

SECTION 4.8 TABLE OF USE REGULATIONS

| | |
|---|---------------------|
| | <u>DISTRICTS</u> |
| Section 4.8 A. PERMITTED PRINCIPAL USES | RA-A |
| Continued: | <u>RA-C SR COMM</u> |

16. Medical Marijuana Treatment Center and Marijuana Establishments **meeting the requirements of Section 12 of this By-Law.**

a) One (1) Medical Marijuana Treatment Center provided that: No No SPS

1. Treatment Center is located in **one of the two commercial districts North of the railroad .**
2. The Board of Selectmen finds that the lot area is adequate for the proposed use, and the buildings, structures, off-street parking and other facilities and equipment are so designed and located as not to be detrimental to the neighborhood.

b) One (1) Marijuana Establishment, retail, provided that: No No SPS

1. Retail establishment is located in **one of the two commercial districts North of the railroad .**
2. The Board of Selectmen finds that the lot area is adequate for the proposed use, and the buildings, structures, off-street parking and other facilities and equipment are so designed and located as not to be detrimental to the neighborhood.

c) Marijuana Establishment, cultivation, **or craft cultivation cooperative**, provided that:

(light industrial should not be in residential district) SPS? No SPS

1. Lot area is **10** acres or more.
2. The total cumulative area of enclosed building or buildings, greenhouses or other structures for cultivation shall not exceed 10,000 square feet.
3. **The total number of permits issued for all types of cultivation**

shall not exceed five (5) and shall only be issued to separate owners.

4. The Board of selectmen finds that the lot area is adequate for the proposed use, and the buildings, structures, off-street parking and other facilities and equipment are so designed and located as not to be detrimental to the neighborhood.

d) One (1) Marijuana Establishment, transporter provided that: No No SPS

1. Transporter **facility, trucks and equipment are** located in the area of the commercial district North of the railroad track.

2. The Board of Selectmen finds that the lot area is adequate for the proposed use, and the buildings, structures, off-street parking and other facilities and equipment are so designed and located as not to be detrimental to the neighborhood.

e) Marijuana independent testing laboratory, marijuana research facility, marijuana product manufacturer, marijuana microbusiness, or craft marijuana cooperative.

No No No

Add a new section as follows:

Section 12: MEDICAL MARIJUANA TREATMENT CENTERS AND MARIJUANA ESTABLISHMENTS

12.1 Purposes. To provide for the placement and regulation of Medical Marijuana Treatment Centers in suitable locations in Richmond in accordance with G.L c.94I (Medical Use Of Marijuana), and, further, to provide for the placement and regulation of other Marijuana Establishments under G.L. c.94G (Regulation of the Use and Distribution of Marijuana Not Medically Prescribed).

12.2 Definitions.

MEDICAL MARIJUANA TREATMENT CENTER: A premises approved under a medical use marijuana license by the Cannabis Control Commission or as otherwise authorized by state law (also known as a Registered Marijuana Dispensary).

MARIJUANA ESTABLISHMENT: A marijuana cultivator, craft marijuana cooperative, independent testing laboratory, marijuana transporter, marijuana product manufacturer,

marijuana retailer, or any other type of licensed marijuana-related business registered, approved, and regulated in accordance with the regulations of the Massachusetts Cannabis Control Commission and/or pursuant to all other applicable state and local laws and regulations.

MARIJUANA TRANSPORTER: An entity licensed by the Cannabis Control Commission to obtain and possess marijuana solely for the purpose of transporting, temporary storage, distribution to other Marijuana Establishments, but not to consumers.

Additional terms are defined in the applicable governing statutes and regulations, including said chapters 94I and 94G of the General Laws and the regulations of the Cannabis Control Commission.

12.3 Site Plan Review Required. All proposed Medical Marijuana Treatment Centers, and other Marijuana Establishments shall be subject to Planning Board Site Plan Review as set forth in Section 6.10.

12.4 Location Requirements. Medical Marijuana Treatment Centers and other Marijuana Establishments may be located in accordance with Section 4.8 A Permitted Principal Uses, Table of Use Regulations, except as follows:

1. None may be located closer than 500 feet from a pre-existing public or private school providing education in kindergarten or any of grades 1 through 8., **or any public library or playground.**
2. The distance in paragraph 1 is to be measured in a straight line from the nearest point of the property line of the proposed Medical Marijuana Treatment Center or Marijuana Establishment to the nearest point of the property line of the protected school.

12.5 Physical Requirements. In addition to meeting the requirements of the Massachusetts Cannabis Control Commission, both Medical Marijuana Treatment Centers and other Marijuana Establishments in Richmond shall comply with the following:

2. Cultivation of marijuana shall take place at a fixed secure location within a fully enclosed building or in an outdoor area that is surrounded a secure six (6)-foot-high fence.
3. To the extent possible, marijuana plants grown outdoors shall be screened from view, at grade, from any public way or school.
4. Acquisition, processing, sales, distribution, dispensing, or administration of marijuana shall take place at a fixed location within a fully enclosed building and shall not be visible from the exterior of the business. This provision applies also to the sale and distribution of products containing marijuana, marijuana accessories and related supplies, and marijuana educational materials.
5. No unprotected storage of marijuana, related supplies, or educational materials is permitted.
6. No outdoor commercial cultivation of marijuana shall be allowed within fifty (50) feet of any property line.

12.6 Use Regulations. In addition to pertinent requirements of implementing regulations of the Massachusetts Cannabis Control Commission, Medical Marijuana Treatment Centers, Marijuana Establishments, and Marijuana Transporters shall comply with the following:

3. Uses under this Section may only consist of the uses and activities permitted by their definition as limited by state law.

4. No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises, unless specifically authorized by the Town pursuant to G.L. 94G.
5. Retail sales of marijuana products and opening of the premises to the public shall not occur earlier than 10:00 AM or later than 8:00 PM.
6. Additional regulations may be imposed as Site Plan Review or Special Permit conditions.

12.7 Submittal Requirements. Above and beyond the standard application for Site Plan Review, an application under this section shall include the following:

1. Copies of all required Marijuana Establishment or Medical Marijuana Treatment Center licenses or registrations issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the facility;
2. Evidence that the applicant has site control and the right to use the site for a facility in the form of a deed, valid lease, or purchase and sale agreement, and a signed statement from the property owner;
3. In addition to what is normally required in a site plan pursuant to Section 6.10, submittal shall also include details showing all signage, exterior proposed security measures for the premises, including cameras, lighting, fencing, gates, alarms, and other devices intended to ensure the safety of employees and patrons and to protect the premises from theft or other criminal activity.

12.8 Discontinuance of Use

Any Marijuana Establishment or Medical Marijuana Treatment Center permitted under this section shall be required to remove all material, plants, equipment and other paraphernalia in compliance with implementing regulations of the Cannabis Control Commission prior to expiration of its operating license or permit issued by the Commonwealth of Massachusetts or immediately following revocation or voiding of such license or permit.

Exhibit 2: Farm Function Zoning Change

Farm Function Zoning Change- Draft May 24, 2018

Add definition as follows:

Farm Function: Any event or concert held on a farm, under the definition of a farm, in the Right to Farm By-Law, Chapter XIII, Section 2 of the Richmond Town Bylaws, including but not limited to, weddings, family celebrations, concerts, farmer’s markets, promotional events, and other activities held on farms, of sufficient size, in order to promote the sustainability of farming, enhance our community and the preserve open space.

Add section as follows:

Section 4.8 B. PERMITTED ACCESSORY USES RA-A
Continued: RA-C SR

COMM

16. The use of land, buildings, or other YES NO
NO

structures for the purpose of holding Farm Functions, only when incidental to, or required in connection with, the principal use as a farm, provided that:

- a) The farm shall have 25 acres of land at the site.
- b) The side, front rear setbacks for the function shall be a minimum of 100 feet.
- c) There shall be no electronically amplified sound except between the hours of 10:00 a.m. and 11:00 p.m.
- d) The Board of Selectmen shall issue an event permit per Chapter X, Section 9 of the Richmond Town Bylaws. The event permit may be for multiple farm functions per year. The Board of Selectmen shall hold a public hearing prior to issuing any first time event permit and the permit shall be for a maximum of two(2)years. Renewal of an existing permit shall not require a public hearing and the renewal permit shall be for a maximum of five(5)years.

TOWN OF RICHMOND

TOWN BYLAWS

(Updated through May 2017)

SECTION 9. (**add changes in bold**)

Any person , organization **or farm** that seeks to conduct a special cultural, educational, fund raising or **income producing** event, such as but not limited to, art shows, auctions, festivals, bazaars, community picnics, breakfasts, dinners, concerts, dance events, **farm functions** or similar events may be required to obtain approval from the Board of Selectmen if such event is to be held on or affect town streets, sidewalks, or property or require services beyond those the town provides its citizens under normal everyday circumstances. **Farm functions shall require approval from the Board of Selectmen.** The Selectmen may require a public hearing to consider any application filed under this section and any permit issued may include conditions relating to hours of operation, attendance, public safety, traffic control, parking, noise, odor, lighting, impact on the neighborhood and on municipal facilities, and a requirement that the applicant post a bond. Any person, organization **or farm** granted a permit under this section shall comply with all other local, state, federal licensing or permitting requirements for said event. Failure to obtain any required licenses or permits shall result in the revocation of the permit granted under this section and a fine of \$100.

Exhibit 3: By-Law, Town of Williamstown, Weddings and family celebrations on farms

3/29/2018

Town of Williamstown, MA Special Use or Place Regulations

- H. Weddings and family celebrations on farms. Weddings and family celebrations on farms (the "events") are allowed as indicated in § **70-3.3**, Use Regulation Schedule. The purpose of this bylaw is to provide an option to farms of sufficient size in order to promote the sustainability of farming, the enhancement of our community and the preservation of open space. Such uses shall comply with the following:
[Added 5-15-2012 ATM, Art. 31]
- (1) The events may only be held on farm property which qualifies as a farm as defined by the Right to Farm Bylaw, Chapter **46**, § **46-2** of the Code of the Town of Williamstown.
 - (2) The side, front and back setbacks for the event must be no less than 100 feet.
 - (3) There shall be no electronically amplified sound at events except between the hours of 10:00 a.m. and 11:00 p.m.
 - (4) The maximum number of events per calendar year, per farm, shall not exceed six events.
 - (5) The Board of Appeals may approve such events for a multiyear period of time, revocable subject to the applicant complying with the provisions of this section, and any other conditions established by the Board.
- I. Small concerts. Small concerts on farms are allowed as indicated in § **70-3.3**, Use Regulation Schedule. The purpose of this bylaw is to provide an option to farms of sufficient size in order to promote the sustainability of farming, the enhancement of our community and the preservation of open space. Such uses shall comply with the following:
[Added 5-15-2012 ATM, Art. 32]
- (1) A "small concert" shall be defined as a concert at which no more than 40 guests attend.
 - (2) Small concerts may only be held on farm property which qualifies as a farm as defined by the Right to Farm Bylaw, Chapter **46**, § **46-2**, of the Code of the Town of Williamstown.
 - (3) If outdoor, a small concert must have side, front and back setbacks for the event of no less than 100 feet.
 - (4) No small concert shall be held before 10:00 a.m. in the morning, or later than 9:30 p.m. in the evening.
 - (5) The Board of Appeals may approve such small concerts for a multiyear period of time, revocable subject to the applicant complying with the provisions of this section, and any other conditions established by the Board.