



## PLANNING BOARD

### Town of Ayer

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Approved 11/2/2017

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2017 NOV 17 AM 10:43

#### Minutes of the October 19, 2017 - Ayer Planning Board Meeting

Location: First Floor Meeting Room, Ayer Town Hall

Meeting was recorded by APAC

#### **Public Hearing for Article 14, Zoning Bylaw to Set the Number of Marijuana Retailer Licenses to One (1)**

Attendance: Jim Fay, Chair; Geoff Tillotson; Mark Fermanian

Absent: Sue Kennedy

Also in Attendance: Mark Archambault, Town Planner; Robert Pontbriand, Town Administrator

Call to Order: The Planning Board Meeting was called to order in open session in the First Floor Meeting Room of the Ayer Town Hall by J. Fay.

J. Fay read the posted Planning Board Public Hearing Notice regarding the proposed recreational marijuana retailers zoning bylaw and opened the Public Hearing.

**MOTION: A motion was made by M. Fermanian and seconded by G. Tillotson to recommend the proposed recreational marijuana retailers zoning bylaw to Town Meeting on October 23, 2017 for Town Meeting consideration. [Motion Passed after the discussion below; 3-0]**

J. Fay asked if there was any discussion and/or public input.

R. Pontbriand made a brief presentation to the Planning Board explaining how the proposed recreational marijuana retailers zoning bylaw came to be. The Town had four options with respect to the issue of recreational marijuana which was made legal in Massachusetts as the result of the passage of Question #4. The Town could do nothing which was not advised in that the Town will have no control over the licensing. The Town could enact a moratorium by Town Meeting for a 12 to 18 month period. However because the Town has an existing registered medical marijuana dispensary (RMD) the moratorium would not prevent that RMD from pursuing a license. The Town's RMD, Central Ave Compassionate Care has publically indicated that they will be seeking a retailer's license. The third option would be to ban retail marijuana in Ayer which would require both a Town Meeting vote and a ballot vote. However, that ban would not apply to the existing RMD and would most likely be overturned by the Courts.

The fourth option, which the Board of Selectmen decided to put before Town Meeting is to set the number of marijuana retailer licenses to one (1). That number is set forth by the law which states that the Town can limit the number of marijuana retailer licenses to no less than twenty percent (20%) of the Town's total package store licenses which for Ayer is eight (8) thus the number one (1).

By setting the number of licenses to one (1). This will give the Town a level of control over the licenses. Additionally, the Town's existing RMD will most likely get the one license as they have expedited status under the law with respect to the Department of Public Health. There have been no public safety incidents with the existing RMD and they have honored all of their commitments to the Town. Additionally, they cannot get the license until they enter into a Host Agreement with the Town which could set forth further controls and guidance.

Article 13 on the Special Fall Town Meeting Warrant is for a General Bylaw and Article 14 is for a Zoning Bylaw which is the focus of this Public Hearing. Town Counsel recommends both a General Bylaw and Zoning Bylaw to ensure passage and implementation.

Ms. Susan Kokinos of Mt. Laurel Drive addressed the Planning Board stating her concerns about retail marijuana being located in Downtown Ayer or in proximity to schools or the library.

M. Fermanian stated that the Planning Board is tasked only with the issue of the Zoning Bylaw setting the number of licenses to one (1) and that we have no jurisdiction over the legalization of retail marijuana which has already happened.

R. Pontbriand stated that the existing RMD indicated publically to the Board of Selectmen in September that he would not locate in Downtown Ayer. The Board of Selectmen stated that they do not want it in Downton. Additionally, R. Pontbriand advised that the State has yet to put in place the regulations which they have until July 1, 2018.

Mr. Ken Diskin of Washington Street stated that he approved of this approach in that it will give the Town a level of control. Regardless of anyone's feelings about marijuana, the voters of Massachusetts have approved to legalize it; so this is the best approach for the Town to have some level of control given the circumstances.

J. Fay stated that this should be advanced from this Public Hearing for the voters of Town Meeting to consider.

R. Pontbriand added that both Articles 13 and 14 will have to pass Town Meeting and there will also have to be a special election where it must pass the ballot.

J. Fay closed the public hearing and returned to the Motion on the table to recommend Article 14 for consideration by Town Meeting on October 23, 2017. Motion as stated and seconded at the beginning of the meeting passed 3-0.

**MOTION: A motion was made by M. Fermanian and seconded by G. Tillotson to adjourn. Motion passed 3-0.**

The Planning Board adjourned at 6:50pm.

Minutes Recorded and Submitted by: Robert A. Pontbriand, Town Administrator.

Mr. Kevin Hogan, resident on Madigan Lane, asked if there have been any changes made to the proposed bylaw in regards to frontage requirements.

Ms. Barrett stated that the proposed bylaw on file with the Town Clerk has some slight changes to it but is almost the same draft that was proposed in 2012 and 2010.

The Board held a brief discussion regarding past town meetings when the revisions to the Bylaw were proposed.

**At 7:15 PM Ms. Sue Kennedy made a motion to continue the public hearing for the Zoning Bylaw till next regularly scheduled Planning Board meeting on November 2<sup>nd</sup>. Mr. Mark Fermanian seconded. No discussion. The Board voted unanimously to continue the hearing. (4-0)**

**Meeting Adjournment**

7:16 PM Mr. Mark Fermanian motioned to adjourn, Geof Tillotson seconded. No discussion. The Board voted unanimously to adjourn. (4-0)

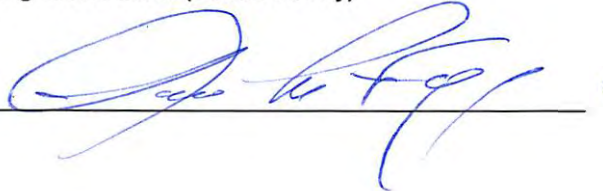
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Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval

11/2/17  
Date

Planning Board Chair (James M. Fay)

  
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