

PLANNING BOARD MINUTES

Thursday, June 6, 2013

Ayer Town Hall

1 Main Street

Ayer, MA. 01432 (videotaped?)

Present: Mr. Mark Fermanian (Chair), Mr. Rick Roper (Clerk), Morris Babcock, & Mr. Jim Lucchesi
S. Sullivan-Office Manager

7:00 PM Meeting called to order

- Public Hearing/Medical Marijuana Treatment Center proposed Moratorium
31 Central Ave.
Atty Chris Lilly and Mr. John Hillier presented plan for center
Jim L. stated that he feels the town needs more time and more information at this point.
Morris B. stated there are too many unknowns for people which cause fear.
Rick R. stated he is not in favor of moratoriums unless specific timelines are put in place.
Mark F. stated he voted against the Medical Marijuana and in his opinion the use of marijuana will be legal soon and that he still has concerns.
General discussion regarding postponement includes people may grow the plants themselves and then there is no control and public safety becomes an issue.
Atty. Lilly presented plan for the facility. John Hillier stated the facility at 31 Central Ave. strongly opposes the moratorium. Last November Massachusetts voted for a new law providing the legal use of medical marijuana. This was a 2/3 vote. Facilities will work because of controlled sales and security. Without a dispensary facility the patients in need will be able to grow their own which increases crime.
The facility would be by appointment only and there will be security cameras throughout the premises, inside and outside which would be tied in to the police station as well. There is no special zone for liquor stores or pharmacies which have no less risk for safety. This is a non-profit and the money will be given back to the community in the form of Grants, Public Safety, and Drug Prevention etc. January 1st 2013 the Law went into effect. Hardship growth can go into effect if there is no dispensary. This dispensary will have delivery and special appointments. Attorney General stated that town bans on Medical Marijuana Dispensaries is inappropriate. This is an acceptable use under general business zone.
(5 licenses per county) Mr. Hillier could be moved to bottom of list if moratorium is in place. There is a possibility of a large corporation moving in and opening. This will not bring a bad element to town as it is strictly for medicinal purposes. Police would be utilized if false IDs were used, but not on daily basis for security.
Chief of Police Bill Murray stated he has looked over the information etc. and he does not have a lot of concerns –basically just the unknown aspects and possible proximity to the public library (300 ft) it was stated that the library is fenced off in the rear and the railroad tracks and some wetland separate the properties.
Town Counsel Atty. Greg Corbo (K&P) this would entail the amendment of the towns by-laws. The board simply votes to support the amendment to the by-laws or not. June 24th is the Special Town Meeting. 2/3rds vote at Town Meeting will vote either for or against the moratorium. Tonight is only for the recommendation of the Planning Board in support or not at Town Meeting. A Moratorium must be for a specific period of time and for a specific reason.

Atty. C Lilly stated the process requires proof of location-a moratorium will blow this out of the water. It was stated by Town Counsel that most of the surrounding towns have established moratoriums at this point.

Public Input:

- Janice Livingston (as citizen not BOS) stated that at the May 7th meeting , the Planning Board had already planned the meeting on a Moratorium.
- Christine Logan stated that as a member of the community she had a lot of concerns regarding the type of people this facility will attract. She said the library is too close and a fence won't stop a bullet. In California the facilities have a lot of criminal complaints including assault and even murders. The Chairman reminded the Public that this meeting is to discuss the moratorium not the facility (approved by state)
- Atty Lilly reminded the public that the Courthouse is directly across the street from the library.
- Mike B. (Medicine Shoppe) Hopes the town will have an open mind and try to remember this is for sick people not addicts.
- Collette (Head of Oncology/Exeter Hospital) stated the use of marijuana is to assist patients with appetite, nausea, pain etc. and most times is the only form of relief. Many patients utilize medicinal marijuana as their only relief from pain.
- Elizabeth Bodurtha stated she does not want a Pot Store in town.
- Mike Paddenton stated the library is not within the 300 ft. he has walked it.
- Frank Maxant is not in favor of a moratorium because small businesses are the way to go with this type of thing not a large greedy corporation. He wants Ayer to be a lead community.
- Jim L. read a letter from business owner Bob Rakip stating he is in favor of this facility and does not think a moratorium is a good idea (attached)
- Mariam Smith is opposed to a moratorium and wonders if Ayer could be sued because the town only acted when Mr. Hillier came forward with this proposal.
- T.C. stated the town is not going to be sued, most likely
- Maureen Parlon stated that she lives across the street and is for this facility and not in favor of a moratorium.
- Christine Logan does not think the location is ideal.
- T.C. stated that the process was generated by the Planning Board regarding the by-laws. PB should simply make a recommendation.
- Elizabeth Bodurtha asked if no moratorium was put in place what happens.
- PB explained that the facility could move forward.
- Jim L. stated that the Planning Board is here to look out for the best interest of the town.
- T.C stated the PB needs to look over the draft amendment and stated a year is reasonable. Special Town Meeting can be set up within 14 days.
- Mr. Hillier stated he has not been responded to by Town Counsel and has made several attempts.
- Frank Maxant stated the town has the authority thru the zoning enforcement officer – yet Gabe wants clarification from T.C.
- Rick R. stated in closing he is not in favor of a moratorium and zoning is an issue for Gabe. If a moratorium is voted in he would like it to be for a very limited timeframe.
- Morris B. stated that education is key and he encourages everyone to ask questions read up on the subject and show up to vote at town meeting.
- Ms. Livingston stated she would like people to get educated on this issue. The BOS has spoken very briefly when the law went into effect and now they want to make decisions.
- T.C. Stated the board should possibly take two steps, motion to adopt a moratorium for a period of time or vote no moratorium. As a second vote.

Jim Lucchesi motioned to support a moratorium for a period of 90 days in order to get zoning language in place.

Rick Roper 2nd VOTE 4-0 All in Favor

Mark F. moved to close the Public Hearing

Jim L. 2nd VOTE 4-0 All in Favor

General Business:

(Rick Roper recused)

- RidgeView Heights/Bond Establishment

Jim Lucchesi motioned to approve the bond establishment for Ridgeview Heights as recommended by DPW Superintendent Mark Wentzel in the amount of \$ 372,691.45

Morris Babcock 2nd VOTE 3-0 All in Favor

(Mr Roper returned to the room)

Bills & Minutes:

Jim Lucchesi motioned to approve the minutes of May 2, 2013 as written.

Rick Roper 2nd VOTE 4-0 All in Favor

Jim Lucchesi motioned to authorize payment to Len Art for \$27.68

Rick Roper 2nd VOTE 4-0 All in Favor

Jim Lucchesi motioned to authorize payment to Grafax for \$ 210.30

Rick Roper 2nd VOTE 4-0 All in Favor

Jim Lucchesi motioned to authorize payment to W.B. Mason for \$127.66

Rick Roper 2nd VOTE 4-0 All in Favor

Jim Lucchesi motioned to adjourn

Morris Babcock 2nd VOTE 4-0 All in Favor

Adjourn 9:40