



PUBLIC HEARING MEETING MINUTES
Citizens Petition to Prohibit Marijuana Establishments in the Industrial District
April 24, 2019

Members Present: Paul Anderson (Chair), Marc Frieden, Barur Rajeshkumar, Vincent Vignaly, Sarah Miles

Members Absent: None

Others Present: See Attached Sign-In Sheet

All documents referenced in these Minutes are stored and available for public inspection in the Planning Board Office located at 140 Worcester Street.

The Chair opened the Public Hearing at 7:05 p.m. Mr. Vignaly read the notice into record. Tear sheets were received from the Telegram & Gazette.

Mr. Anderson welcomed those present and invited a spokesperson to come forward and explain the petition. Mike Raymond (15 Emily Drive) said they have concerns about any future marijuana establishments in the Industrial District. There are two new cultivation sites as well as a retail shop being proposed and they have a number of concerns about the proposed site in the industrial area: (1) Odor. At a community meeting they were told they did not have to worry about odor. Mr. Raymond read a news bulletin from Sterling and how the Sterling Gymnastics Academy was complaining about the odor on their property from an adjacent growing facility. (2) Decreased Property Values. They pay over a million dollars in taxes to the town. The facility will pay the town for only five years; Angell Brook residents will pay more than that. (3) Pesticides. What chemicals are they using? They are worried about the impacts from releases of the pesticides and chemicals in the processing and growing. (4) Water and Sewer Impacts. It was noted that at a Planning Board meeting the 137 Hartwell Street owners were asked to remove the U-Haul trucks from the property; they are still there. What are they going to do when the marijuana establishments are set up; the residents will have to fight to make sure rules are implemented. (5) Explosive Materials. He referenced an article where a facility in Colorado experienced explosions. (6) Poor Quality of Life. They are concerned about the quality of life at Angell Brook and Hillside if the uses are allowed and they cannot enjoy being outside on their property or walking along the public and private streets. They are asking the board not to allow marijuana establishments in the Industrial District.

Mr. Frieden agreed with their concerns and asked if the Board of Selectmen had entered into any more Host Agreements. Mr. Rajeshkumar said only two retail establishments were approved (111 Shrewsbury Street and 100 Hartwell Street). A Host Agreement is required for any establishment. Selectman Rucho said the Board of Selectmen voted on one growing facility on Shrewsbury Street. Only two retail establishments are allowed. Three Hosts Agreements have been approved (two for retail; one for cultivation/manufacturing).

Phil Mallet (Angell Brook Village resident) commented that the technology is out there but hasn't seen any convincing description for odor eliminating technology for the town. Mr. Anderson said the Cannabis Control Commission (CCC) is involved in the regulations. Mr. Frieden said the point of this meeting is to come up with an agreeable statement to bring to town meeting. Mr. Mallet asked if there could be a moratorium for 3-5 years until the already passed projects are settled so the town knows what to expect. Mr. Raymond said there is another petition going to town meeting to amend the prior approval for marijuana establishments in town and not allow any marijuana establishments in the town. Mr. Rajeshkumar said there are two taxpayer petitions on the warrant; one is a General Bylaw to prohibit all adult use marijuana establishments in town, and the other is a Zoning Bylaw that prohibits marijuana establishments in the Industrial District only.

Roger McCarthy (143 Hartwell Street) was concerned about a retail site being next to the youth baseball training facility and didn't think it was allowed near a church, school, parks, etc. Mr. Rajeshkumar said the park is private. Mr. McCarthy doesn't want the children exposed to it. Mr. Rajeshkumar said if the Cannabis Control Commission says that it is a baseball field and the applicant cannot have it there, he will not. Barbara White (16 Emily Drive) urged the board to do whatever they can. Mr. Frieden said that the intent of the Recreational Marijuana Bylaw was to keep it under control and put it in the right places where it would not affect people.

Mr. Vignaly said there would not be any odor from retail; the CCC does not allow consumption on site. The odor would occur from the growing facilities. He was unsure if there was a requirement for odor control until it reaches a nuisance level. There are other towns that have odor problems with these facilities. Mr. McCarthy said he would hope that if the article does not pass that the Planning Board would be very strict with requiring odor control. Ms. Miles said it is in the applicant's best interest to follow and meet the regulations and not have it become a nuisance. Mr. Anderson asked if anyone talked to town counsel at any meeting about the legal ramifications passing this and having business people who have already made plans for it. Mr. Rajeshkumar said town counsel will be present at the town meeting. Elizabeth Cotton asked about cultivation facilities. Mr. Rajeshkumar said there is no limit on the number of cultivation facilities. Selectman Rucho said there are proposed facilities on Shrewsbury Street and Hartwell Street. Richard Pelle (50 Angell Brook Drive) said Andrew Kasakoff stated that his marijuana cultivating plant in Maine is "definitely an odor producing facility" and suggested the town create odor regulations such as 24/7 self-monitoring, regular and unannounced inspections, and establish daily penalties for noncompliance. He wants the town to be the enforcer.

Mr. Anderson asked Selectman Rucho if these issues have been addressed in the Community Host Agreement; Selectman Rucho said he believes the Host Agreement says they must follow all of our bylaws and the rules of the state. He further said that Mr. Kasakoff said he found a new filtering system that cost more that he will put in this facility; it is a new system that sprays water into the air and also kills the odor before they can get to the filter. The town will not accept any odor coming out of it, but who will enforce it? Enforcement is critical once the Site Plan Review is complete but is not the Planning Board's responsibility. Mr. Vignaly said the town of Charlton is further along in their process and the board could speak with them to see if they have found a solution. Dave Femia (86 Sterling Street) said MGL 111 Section 31C reads in part that the Board of Health shall have jurisdiction and regulate atmospheric pollution.

A resident asked if 111 Shrewsbury Street is in the Business District and was told it was. They have filed for a proposed retail establishment. Another resident asked if the article to prohibit in the Industrial District passes, will it completely stop the process in the area. Mr. Frieden said it will stop the growing facility at 100 Hartwell Street and the growing facility closer to the jail. Mr. Vignaly asked Selectman Rucho if he talked to town counsel about the status of whether this bylaw would be legal. Selectman Rucho said town counsel will be at the town meeting to answer those questions. Mr. Anderson said the question was that if the vote to not allow facilities in the Industrial District passes, what is the next step. Selectman Rucho did not know the answer. He said the people that bring the article forward need to find out the answer. The banning article is first on the warrant; the zoning article is second. If the General Bylaw vote is to ban marijuana all together; they will pass over the Zoning article. If the General Bylaw does not pass, the second Zoning article is to prohibit marijuana establishments in the Industrial District, but still allow them in the Business District.

Selectman Rucho said the Planning Board can say what they want but doesn't think they should tell the residents what they think if one passes and one doesn't. Because it is a resident petition, the town decided not to use town funds to review the article; town counsel at town meeting can answer questions, but what the Planning Board says might not be 100 percent correct; the board is saying what they believe, but it may not be the law. The attorney general has to approve all warrant articles after town meeting.

The Community Host Agreement is between the applicant and the town. The approval of the building on a particular site is the Planning Board's decision. Mr. Vignaly said it is a Special Permit and the board bases its decision and findings on what is presented. If the applicant proposes something that is reviewed and approved by another professional, based on those recommendations the board would follow that and make a decision with conditions that must be followed. Mr. Rajeshkumar said if the board approves or denies a Site Plan Review and the residents disagree, there is always the option to appeal.

Ms. Miles made a motion to close the Public Hearing; Mr. Rajeshkumar seconded; all voted in favor; motion approved.

Date Accepted: _____

By: _____
Vincent Vignaly, Clerk

Submitted by: _____
Melanie Rich