

Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

66 Westford Street
Carlisle, Massachusetts 01741
Tel. (978) 369-9702
Fax (978) 369-4521

Minutes

February 10, 2020

Minutes 1/13/20 and 1/21/20

Bills

2019 Annual Town Report

Liaison Reports

Discussion of possible Warrant Articles for consideration at 2020 Spring Town meeting

Discussion of regulation of adult use marijuana with Town Counsel Ivria Fried

Formation of land Use Task Force for investigation of future land use staffing [Request of Town Administrator]

Master Plan Steering Committee update

Chair **Madeleine Blake** called the meeting to order at 7:33 pm in the Clark Room of Town Hall. Members **Peter Yelle, Ed Rolfe, Adelaide Grady, Jonathan DeKock, Jason Walsh** and Planning Administrator **George Mansfield** were present. Member **Rob Misek** was absent.

Assistant to Planner Gretchen Caywood, Town Counsel Ivria Fried (Miyares and Harrington LLP (Wellesley, MA), and Betsy Fell (Carlisle *Mosquito*) were also in attendance.

Discussion of regulation of adult use marijuana with Town Counsel Ivria Fried

Town Counsel Ivria Fried had provided three draft Zoning Bylaw amendments concerning adult use marijuana (MJ) regulation in Carlisle: one for a full ban of all facilities, one to allow cultivation and craft co-operatives in non-town Center business districts in Carlisle, and one to allow cultivation anywhere in Town and craft co-operatives in non-Town Center business districts. These drafts had been provided to the Board prior to this meeting.

Chair Blake reported that she, Planning Administrator Mansfield, Ivria Fried and former PB member David Freedman had met and discussed allowing cultivators and possibly other types of facilities in the Residence B district (outside Town Center), and she further explained that they had discussed limiting the siting of facilities to lots of at least 5 acres in size. Chair Blake explained that her goal for the Board is to develop a policy that the Board feels would be good for the town, and then present it to various boards and committees.

The Board discussed the types of MJ facilities, proposed allowed locations in town, and the process for approval. Grady asked the difference between cultivators and craft co-ops and Fried explained that cultivators generally grow indoors in an enclosed facility such that you cannot tell from outside the type of work that is going on inside the structure. She noted that greenhouse facilities are required to be covered at night. Fried explained that craft co-operatives are generally composed of small farmers who band together to create one entity where the marijuana is usually grown outside, but enclosed, and these co-ops can also process the MJ. She further explained that a craft co-op is limited by the type of license it chooses and cannot exceed 10,000 sq. ft in total canopy size. Fried said that the draft Bylaw amendment includes a limit of 20,000 sq. ft on the size of the overall structure. Fried added that the facilities are legally required to have significant security, and therefore the total structure would be larger than the canopy.

DeKock asked if a craft co-op facility can site its components in different towns. Fried said that it can, but that each town must have a Host Community Agreement (HCA) in place with the co-op. Chair Blake noted that the 1000 ft buffer zone required in the Zoning Bylaw amendments that were presented last year posed too great a restriction for siting facilities in the non-Town Center business districts, and that a 500 ft buffer zone is now being proposed. Planning Administrator Mansfield asked if this distance is calculated from the lot line or from the facility itself and Fried said that this can be decided by the Town.

The Board discussed potential use of the Town Center Business District for siting facilities, and it was noted that this would likely be excluded due to proximity to the school. The Board was in favor of this exclusion. Chair

Blake explained that with no other obvious areas in Town in which to propose location of MJ facilities, the requirement of a minimum 5-acre lot size is proposed. The Board was split on the use of this criterion, particularly as some areas of town contain more 5+ acre parcels than others. Chair Blake asked Fried if Carlisle could possibly end up with several cultivator facilities in town, and Fried said that this is possible, but that caps on the number may be able to be set in the Bylaw amendments.

Walsh expressed concern about siting adult use MJ facilities in Carlisle and stated his preference for a full ban. He explained that even a small facility requires a significant number of employees to meet security requirements, and staff parking will need to be provided. Walsh explained that he has seen a “modest” 7,000 sq. ft. facility in Leicester, MA that requires 40 employees. Grady pointed out that the main issues are around impacts of the facilities on the town – impacts such as building(s), traffic, and water use. Fried said that the HCA negotiated by the Selectmen with the facility applicant is the opportunity to recoup some of the costs to the town, such as enhanced police monitoring of the area. She suggested requiring the applicant to provide information up front on how much water will be used and require compensation and water monitoring. Chair Blake suggested that the BOH should be involved in any review process. Grady summarized that between the requirement of a PB special permit, as proposed in the draft Zoning Bylaw amendments, the HCA and the State requirements, there is a significant amount of control on these facilities.

Fried pointed out that Carlisle’s existing Medical MJ Bylaw was adopted before the Cannabis Control Commission (CCC) had issued its regulations, and that when the adult use MJ Bylaw amendments of last year were prepared, they were based on Carlisle’s existing Medical MJ Bylaw. She therefore asked that the PB review both the proposed new drafts and the existing Medical MJ Bylaw, and suggested that the PB may want to consider proposing just one overall MJ Bylaw for consideration at Town Meeting. Chair Blake also suggested that the PB should request a Fall TM for Zoning and General Bylaw amendments.

Chair Blake asked Fried about the extent of Carlisle’s vulnerability under the current Zoning Bylaws, and Fried explained that with no moratorium in place at this time, anyone could propose any type of recreational MJ facility at least 500 ft from the Carlisle School, with the exception that a retail facility would only be allowed wherever Carlisle allows retail beyond 500 ft from the school. Planning Administrator Mansfield noted that Site Plan Review (SPR) via the PB would be required for these non-residential uses. Mansfield asked if the BOS can say no to a request to negotiate a HCA. Fried said that there was a recent case in which a town said no based on significant traffic concerns, but that this was unusual. Chair Blake pointed out that with no rec MJ bylaw in place, the BOS has much less standing for negotiating an HCA. Blake added that she feels it is the PB’s obligation to put forward a proposed Zoning Bylaw for adult use MJ, and not leave the town exposed. It was agreed that a Fall TM would be the appropriate time to put forward a well-researched approach.

DeKock asked whether MJ was included in the definition of agriculture, and Fried explained that the State has amended Ch 40A Sec. 3 (Dover amendment) to exclude MJ from the definition of agriculture, but that other aspects of State law do not specifically exclude MJ from the definition of agriculture. Chair Blake added that Carlisle’s definition of agriculture is different from that of the State, thereby posing some uncertainty

Chair Blake polled the Board members on how they felt Carlisle should address adult use MJ, and the results were mixed. Walsh stated his preference for a complete ban along with measures to educate the public on MJ consumption. DeKock spoke against a ban, referring to the votes at the 2019 TM at which a proposed ban did not receive the required 2/3 majority vote, and therefore failed. He also noted that several residents spoke up against a full ban at that meeting. Grady suggested that residents are thinking the town should allow some level of adult use MJ facilities, and that a craft co-operative could fit that role. It was noted that in the late 2017 resident survey regarding adult use MJ facilities, residents who were against a total ban were by far most in favor of a co-op or a cultivator. Board members had different opinions on the minimum lot size requirement for cultivators and use of a sliding scale for lot size requirement based on facility size was discussed.

Concerning financial benefits of siting adult use MJ facilities in Carlisle, Chair Blake said that there is a widespread misbelief that the Town can profit from cultivators, and it cannot. Fried confirmed that all types of MJ

facilities except for retail are a financial “break even” for the Town, and that retail is capped at 3% local sales tax at most, per MA law.

Concerns were expressed about the appearance of the cultivation facilities, and Yelle asked if the Town could require that the facility’s outward appearance be that of a farm, for example. Fried said that she would need to check into this, and noted that, likely for cost effectiveness reasons, Miyares and Harrington is seeing mostly large facilities opening rather than small ones, and she suggested that larger facilities may be harder to disguise. Fried said that an HCA could possibly govern the external appearance of a facility and planned to discuss this matter with Town Counsel Chris Heep to see if such requirements can be included in a Bylaw.

The Board requested that Fried prepare a draft Zoning Bylaw amendment that addresses both medical and adult use MJ. Fried noted that such a Bylaw would need to allow cultivation and processing, as well as a retail component for medical MJ only. The PB confirmed that the draft will require a medical MJ retail component to be located only in a non-Town Center business district. Chair Blake planned to speak with the BOS about a Fall TM for these Zoning Bylaw amendments.

Discussion of possible Warrant Articles for consideration at 2020 Spring Town meeting

The PB reviewed the standards for designation of a roadway as a Scenic Road (per Sec. 2.1 of the PB’s Rules and Regulations for Scenic Roads), and directed the PB staff to send a letter to all Church St residents, including the residents of Village Court, to determine their interest in having Church St designated as a scenic road.

Grady moved that the PB pursue the designation of Church St as a scenic road, Rolfe seconded the motion, and it was approved 5-1 (DeKock opposed).

Liaison Reports

Yelle updated the Board on a recent Community Preservation Committee (CPC) meeting, explaining that the ConsCom has applied for \$250,000 in CPC funding for repair of the Greenough Dam, and that this funding is contingent upon ConsCom receiving a State grant for the remainder of the necessary funding. Yelle also reported that the Historical Commission has applied for \$10,000 in CPC funds to update the hard copy map of the Historic District which includes photos of and some information on each of the residences in the Historic District. Chair Blake said that she will be meeting with the Historical Commission Chair to discuss a request from the Commission concerning mapping of the Historic District.

Minutes

The Planning Board (PB) reviewed the draft Minutes from the 1/13/20 meeting. Rolfe moved that the PB approve the Minutes as drafted, Walsh seconded the motion, and it was approved 5-0-1 (DeKock abstained). The PB reviewed the Minutes of the 1/21/20 PB meeting. Grady moved that these Minutes be approved as drafted, DeKock seconded the motion, and it was approved 6-0.

2019 Annual Town Report

Planning Administrator Mansfield explained that the key data has been gathered for the 2019 Annual Report, and that he will provide a draft to the Board for review at the 2/24/20 PB meeting.

Formation of land Use Task Force for investigation of future land use staffing [Request of Town Administrator]

On discussion, the PB appointed Chair Blake and Planning Administrator Mansfield to participate on the Land Use Task Force. Board members suggested that a BOS member participate on the Task Force, and Chair Blake planned to make this request.

Planning Administrator Mansfield noted that the BOH has informed the Town Administrator that they have too much to do and will not be participating on the Task Force.

Master Plan Steering Committee (MPSC) update

Chair Blake, also a member of the MPSC, updated the Board on the Kitchen Conversations that are going on around town, at which groups of residents are discussing specific topics related to the MP, these topics having been determined by the MPSC and Civic Moxie. She noted that the information is being organized and tabulated by Maureen Adema (Historical Commission Assistant) and will be available on the planning website (carlisleplan.org). Chair Blake said that nearly 50 KC's have taken place so far, and 100 is the goal. Yelle asked that raw data be included on the MP website to the extent possible and noted that age-range information on participants would be helpful with respect to the information they provide.

Concerning the MP budget for ancillary Town expenses, Chair Blake said that about \$3,000 has been spent on PB staff salaries for MP work (over and above budget hours) in the past 4 months but noted that the need will be increasing over the next 3 months or so. She explained that Assistant to Planner Caywood will be attending the MPSC meetings going forward, and preparing Minutes, in addition to ongoing MP related work, and Planning Administrator Mansfield will be providing input on Civic Moxie's "Existing Conditions" documents, most of which have just been submitted. Chair Blake said that MP staff time funding from this budget would therefore need to be slightly increased for both staff members.

Chair Blake said that ConsCom member Angie Verge is interested in participating on the MPSC on behalf of ConsCom and its subcommittees and asked that the PB appoint her. DeKock moved that the PB appoint ConsCom member Angie Verge to the MPSC, Rolfe seconded the motion, and it was approved unanimously (6-0).

Chair Blake referred to the GIS Working Group and its role in the MP process and said that the goal for that group is to have a GIS proposal for the Town by Fall.

At 10:00 pm, Walsh moved and Grady seconded the adjournment of the PB meeting, and the motion was approved unanimously (6-0).

Respectfully Submitted,

Gretchen Caywood
Assistant to Planner
Carlisle Planning Board