



Town of Westminster

MASSACHUSETTS 01473
FROM THE OFFICE OF THE
PLANNING BOARD

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Jon Wyman, chairman

Marie N. Auger, vice chairman

Dan Bartkus

Andrew Rice

Linda Wiest

Planning Board Meeting Minutes

January 8, 2019

Members present: Jon Wyman, Marie Auger, Dan Bartkus, Andrew Rice, Linda Wiest and Town Planner, Stephen Wallace.

Staff: Andrea Mastrototo, Recording Secretary

Additional Attendees: Charleen & Jeff Wilcox, Phil Bocher, Janet Banville, Alan Belanger, David & Jane Ferrazza, Brian & Rebekah Traylor, Philip Maryez, Peter Normandin, Mr. Moore, Chris Mossman, Linda Hines, Steve Breitmaier and Steven Hearn.

J. Wyman, Chairman called the meeting to order at 7:00PM and informed those present the meeting was being recorded.

First order of business, M. Auger made a motion to accept the minutes for December 11, 2018, D. Bartkus seconded, All in favor, motion carried (5-0)

Next order of business: ANR for Brite Excavating Company Inc., lot line adjustment for two lots on Overlook Road. The Board reviewed and approved the plan. M. Auger made a motion to endorse the plan as presented, D. Bartkus seconded, all in favor, motion carried (5-0)

Public Hearing:

The next order of business, Cormier Revocable Trust & Musterfield Farm LLC Definitive Subdivision Plan for two lots served by a private road. J. Wyman read the notice into the minutes.

C. Mossman presented the plan to the Board. C. Mossman explained the existing house (Cormier) would be without frontage with the additional lot. A new road will be constructed and named Rene Way. The road will have a cul-de-sac and the existing driveway will be abandoned.

C. Mossman continued to explain the main points of the plan which are as follows;

- The road is 367 feet long and 55 feet wide
- There will be one new house, owner is Musterfield Farm LLC
- No sprinkler to be installed on the new home.

The Town Planner stated all other Boards and Departments have reviewed and commented. The applicant has addressed all comments.

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The Town Planner will forward the HOA documents to Town Counsel for review.

M. Auger made a motion to close the public hearing, D. Bartkus seconded, all in favor, motion carried (5-0)

The Waivers requested are as follows:

- Length and width of the roadway
- Cul-de-sac paving
- Roadway flares
- Roadway construction
- Performance bond
- As-built requirements
- Drainage calculations
- Environmental impact study

M. Auger made a motion to approve the waivers as presented, L. Wiest seconded, all in favor, motion carried (5-0).

Conditions to the subdivision are as follows;

- Neither lot shall be further divided.
- Verification of all taxes paid
- Plan to be recorded in the Registry of Deeds prior to the issuance of a building permit.
- Submit 12 large scale sets of plans, 1 reduced (11x17) and a digital copy.
- DPW approval required for any work in the town's right-of-way.
- Decision to be supplied to an purchaser.
- No Occupancy Permit will be issued until Tetra-Tech verifies project done to specifications.
- Hours of operation are 7am - 5pm Monday - Friday, no Sundays or holidays.
- Construction to be completed within 2 years.
- Valid upon recording and after the 20 day appeal period.
- Any modifications must be submitted in writing to the Planning Board.
- Construction is based on endorsed plan and Decision.
- Decision to be kept on site
- Responsible person and emergency contact information to be submitted to the Planning Board, Police and Fire Department.
- Street signs must meet with DPW requirements

L. Wiest made a motion to accept the conditions as read, M. Auger seconded, All in favor, motion carried. (5-0)

Next order of business: Minor amendments to two site plan decisions for the Rowtier Drive industrial park. The Town Planner explains a condition of decision in 2014 conflicts with the 2018 decision. The condition #8.2 in 2014 stated no building permit shall be issued until the driveway is accepted. The 2018 decision condition reads, before a Certificate of Occupancy is issued the applicant shall have a bond in place.

The suggested resolution will amend the 2014 decision to read, no permits will be issued until a bond for the road is obtained. The suggested resolution will amend the 2018 decision to read, no building permits to be issued until there is a bond in place for Rowtier Drive.

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M. Auger made a motion to amend the decisions as presented, L. Wiest seconded, All in favor, motion carried. (5-0)

Other Business:

The next order of business, Zoning Board of Appeals application review and comment: Paul Aldrich appeal of the Building Commissioner's determination that his Adams Street property is not located within the Village Center zoning district. The Board concurred to decline comment.

M. Auger made a motion to decline comment, D. Bartkus seconded, All in favor, motion carried. (5-0)

Last item on the agenda: discussion with Board of Selectmen, Town Counsel and interested parties on how to zone for recreational marijuana.

Additional attendees: Heather Billings, Wayne Walker, Jim DeLisle, Marcus Moran, Ned LaFortune of Wachusett Brewery, Brian Riley of Kopelman & Paige, ML, Joe Serio, Economic Development Committee and other residents.

The Town Planner opened the discussion and informed the attendees there had been a few bylaws drafted and brought to Town Meeting. The Town tabled the discussion at that time.

Medical is allowed at this time with the understanding they meet the Town's criteria. The Applicant must have a Host Agreement with the Board of Selectmen, a Site Plan review and a Special Permit through the Planning Board.

The New England Patient Foundation has achieved only one of those steps at this time by obtaining a Host Agreement with Westminster.

New England Patient Foundation is located at the Fitchburg/Westminster town lines. New England Patient Foundation has obtained all their permits with Fitchburg for medical marijuana.

The Town Planner is now asking for input for both retail and industrial/processing/distribution side of marijuana.

The Town Planner posed 4 questions for discussion.

1. Do the residents want to allow recreational marijuana in Town?
2. If the Town votes yes, where should the location be?
3. How many to allow?
4. Under what circumstances do we want it?

The Town Planner stated a few facts to the attendees. At this time there are 6 recreational dispensaries up and running in Massachusetts and by the end of the month there will be an additional 3. There are 75-80 under State review process. Worcester bylaw allows for 15 and Uxbridge 8. The Town Planner also noted that since Leicester has opened these dispensaries have taken in \$14.8 million in tax revenue. The Town Planner noted this is an emerging industry.

A resident questioned the number of applications Westminster had received. The Town Planner stated there were none.

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Public Comment:

N. LaFortune started out by noting his comments were as a resident and not representing the Brewery. The Brewery is not allowed to participate per Federal Law. N. LaFortune stated he is for bringing business into Town and further noted he is a lifelong resident in Town.

N. LaFortune wanted to voice his answers to the questions that have been posed by the Town Planner.. N. LaFortune stated his answer to the first question as yes, he would want recreational. N. LaFortune also noted Westminster was considered a “yes” town by Cannabis Control Commission(CCC) standards.. The Town’s 2016 vote was voted 52.2% yes and 48.8% no. He also noted 78% of the population came out to vote.

N. LaFortune proceeded to answer the location question, he stated they should be located everywhere they are safe and logical in Town.

N. LaFortune feels that every circumstance that is allowed by CCC law should apply.

N. LaFortune’s answer to how much to allow, he stated no limit, especially for Industrial.

N. LaFortune expressed his feelings and pleads for the Town to be open-minded. He also noted he prefers the term “adult use” over “recreational”.

N. LaFortune asked Ryan----if he represents 1/3 of the Town Managers on the marijuana subject. Ryan--- stated no.

Marcus Moran stated this is an economic decision and an emerging industry. Without this in Town jobs will be lost and money not collected. M. Moran further notes an economic analysis should be performed.

J. Serio voices his support and stated there are laws in place for this type of business and it eliminate the black market. Their goal is to educate residents and create more jobs. J. Serio spoke in favor of other towns that have already allowed such businesses.

J. Serio stated he feels there should be adult wholesale production and there should be a dispensary. J. Serio explains the State has a ratio which is calculated as 20% of the 6 liquor licenses which would allow for 1.2, which would round up to 2. The Town Planner asked if that would be a provision to be put in the bylaw. J. Serio stated yes.

J. Serio noted the 3% option needs to be put into place.

J. Serio suggested the Town reach out to Jen Flanagan for assistance.

A resident stated the Simplex property would be an ideal location.

J. Wyman stated they don’t know what the Town really wants and asked how would they would educate the residents. J. Wyman asked how would the Selectmen like them to proceed to educate the community. W. Walker stated that is the problem they have, their meeting are televised. The Town Planner stated the options memo that he and Town Counsel put together was on the website for 2-3 months and send out as an e-alert.

The Town Planner asked if anyone present was in attendance to speak against the topic.

W. Walker asked on which, the retail or industrial. The Town Planner stated either.

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W. Walker stated he feel the sentiment of the community is that they do not want retail in Town, for that reason the Board support the proposed zoning amendment to prohibit retail. W. Walker feels the industrial side is viewed different.

The Town Planner reiterated this is an emerging industry. Industrial uses are appropriate for the Town's Industrial Districts. The Town Planner noted business is allowed in the Industrial District.

The Town Planner stated the Industrial side/"Adult use" should be allowed in the Industrial District. They would be required to have a Host Agreement with the Board of Selectmen and a Site Plan review and a Special Permit through the Planning Board.

The Town Planner doesn't feel the need to limit the number of industrial use facilities.
N. LaFortune stated he is in support.

H. Billings asked how you differentiate between which industrial uses would go into which zoning district. The Town Planner doesn't see the need to differentiate, as they all would all fall into Industrial District.

The Town Planner did ask if outdoor growing in greenhouses would be allowed. H. Billings asked how outdoor growing and greenhouse account for odor control. The Town Planner stated most surrounding towns require it be located inside. The Town Planner noted N. LaFortune stated this could fall into Agricultural.

Town Counsel noted marijuana cultivation is not considered Agricultural. The Town Planner noted a change in State law that allowed Hemp. Town Counsel stated Hemp is allowed.

J. Wyman asked if it was not allowed outside because of security reasons.

Town Counsel noted that retail is the only one where people could walk in and buy something, the manufacturing can only sell to the retailers.

J. Serio noted there are currently 63,000 medical cards in Massachusetts at this time.

The Town Planner states the general feeling of all in attendance is to locate that industrial marijuana in the Industrial District with permitting requirements and locating it inside or within a greenhouse.

RETAIL:

The Town Planner reiterated what J. Serio had stated to the limits set by the State is ratio which is calculated as 20% of retail liquor licenses and the benefit the State allows is for the 3% sales tax.

ML asked W. Walker what he got as the biggest complaint for opposition. W. Walker feels Leicester articles were a big push. The Town Planner stated Leicester was chaos for a couple of weeks then they figured out a plan for shuttle buses. Another note, when Leicester first opened, it took people 7 hours to get in and out. Now that there 6 facilities open it takes less than an hour.

The Town Planner stated there could be a condition of approval during the Special Permit process that require the facility to be "by appointment only".

ML asked besides Leicester, what were the other concerns. W. Walker stated there was also a concern for safety. W. Walker stated that for strictly on principle he cannot support retail marijuana.

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The Town Planner asked what the other 2 Selectmen's opinions were. J. DeLisle stated he would allow it, he wants to be business friendly. H. Billings stated she agrees with J. DeLisle.

The Town Planner asked for the opinions of the Planning Board. A. Rice stated he is not for it.

M. Auger stated she agrees with N. LaFortune and getting business into Town.

J. Wyman states for economic reasons he would allow it. D. Bartkus stated he is concern with the use of marijuana increasing in the schools and the kids.

L. Wiest agrees with D. Bartkus and the increase in the schools.

The results of a roll call vote of the Boards;

The Board of Selectmen:

W. Walker - opposed

J. DeLisle - for

H. Billings - for

Planning Board:

A. Rice- opposed

M. Auger - for

J. Wyman - for

D. Bartkus- opposed

L. Wiest- opposed

The Town Planner stated since the policy makers are divided, he will have to craft a bylaw to allow retail and also allow a bylaw for industrial and have the Town decide at Town Meeting.

H. Billings asked what would happen if they didn't get the required $\frac{2}{3}$ vote.

Town Counsel stated it would revert to what the bylaw allows for now for business.

Adjourned: 9:30 pm

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