

**Maynard Planning Board – Meeting and Public Hearing**  
**January 2, 2018 - 7 p.m.**  
**195 Main Street, Room 201**

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**Board Members Present:** Greg Tuzzolo – Chair, Andrew D’Amour – Vice Chair, Brent Mathison, Megan Zammuto, Bill Cranshaw

**Others Present:** Bill Nemser – Town Planner, Kate Feodoroff – Town Co-Counsel

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**Called to Order** at 7:09 p.m. by Chair Tuzzolo

**ANR Determination – 129 Parker Street**

*Topic continued to January 23, 2018 Town Planning Board Meeting.*

**Public Hearing**

Greg Tuzzolo opened the public hearing.

Kate Feodoroff gave a brief explanation of the marijuana law that was passed (Massachusetts General Laws Chapter 94G) and outlined the timeline of legislation for the new law as follows:

- December 27, 2017 – Cannabis Control Commission (CCC) released its draft regulations
- March 15, 2018 – CCC regulations with amendments will be adopted
- April 1, 2018 -- Marijuana establishment license applications may be submitted to the CCC
- June 2018 – First marijuana establishment licenses will be issued

Kate Feodoroff detailed the parameters and limitations that local municipalities may legally consider and enforce via general marijuana establishment by-laws, including absolute prohibition.

Greg Tuzzolo mentioned that the scope of the discussion in the public hearing is limited to zoning by-laws for marijuana establishments and that concerns related to general by-laws for marijuana establishments will be handled by the Board of Selectman.

The proposed amendments of zoning by-laws can and will take place concurrent to any general by-laws that are proposed, including but not limited to a possible proposal of total prohibition. In order to enforce any zoning by-laws related to marijuana establishments, the town would need to have zoning by-law amendments approved prior to April 1, 2018, when the CCC will begin accepting applications for marijuana establishments.

A Special Town Meeting will take place on March 26, 2018 to present the proposed marijuana establishment zoning by-laws for a town vote. The proposal must receive a 2/3 vote to be approved. Greg Tuzzolo reviewed the three main components of the proposed zoning by-laws: 1) definitions (which are consistent with those found in the state law); 2) zoning; and 3) regulatory framework.

Any proposed marijuana establishment will require a special permit application, to be reviewed and granted (or denied) by the Town Planning Board. The special permit process will allow for public discussion on each proposed business, whereas in the absence of a special permit process, any proposed marijuana establishment that falls within an approved zone would be allowed.

Greg Tuzzolo reviewed the zoning map, pointing out the schools that are highlighted on the map and the fact that Mill and Main constitutes the only Health Care Industrial zone in Maynard.

A town resident asked for the zoning map to be corrected to show that the school at St. Bridget's church is the Imago School and not "St. Bridget's School".

*Bill Nemser agreed to correct the map.*

The same resident asked why Knowledge Beginnings is on the map but the Community School is not.

*Bill Nemser pointed out that the state law is specific to K-12, and Knowledge Beginnings now offers kindergarten classes.*

The proposed zoning by-laws would prohibit any marijuana establishment from being located within 300 feet of any public or private institution providing K-12 education. State law indicates a 500-foot buffer but allows for local municipalities to reduce that distance within their own by-laws.

The Planning Board, Bill Nemser, and Kate Feodoroff discussed at length the verbiage related to special permitting and zoning conditions for marijuana establishments within the town; they also discussed at length how to handle special permit renewals for various scenarios, including a case in which a marijuana establishment is sold and the license is transferred to the new owner, and whether the language related to permit renewals should be revised.

A town resident asked whether retail marijuana establishments would be prohibited at the Parker Street development. Bill Nemser indicated that they would be prohibited because of the development's proximity to a K-12 school and because of the Neighborhood Business Overlay District regulations.

A town resident asked for an explanation of why the by-law will allow for a marijuana cultivator in an Industrial Zone if it will not allow for a marijuana retailer to be located in an Industrial Zone. Kate Feodoroff explained that marijuana cultivation takes place in secured warehouse/manufacturing type of facility and not in an open farm-like setting. Greg Tuzzolo added that Industrial Zones are not typically desirable retail settings.

A town resident pointed out the density of Maynard and voiced her concerns about allowing marijuana establishments in the various zones.

Town resident Mark Cryar of 44 Old Marlboro Road expressed concern that if a 2/3 vote is not obtained then there would be an absence of regulations for marijuana establishments in Maynard.

A town resident asked for special consideration to be made as to where marijuana establishments will be allowed within the town, especially with regard to where children tend to congregate.

*Greg Tuzzolo made a motion to close the Public Hearing and Andrew D'Amour seconded the motion.*

***The Board voted 5 - 0 in favor of the motion.***

*The Planning Board deliberated on changes to the draft by-laws and agreed to the following revisions to the draft by-law amendments:*

- *Add verbiage to the existing definitions of marijuana establishments for clarity*
- *Change the verbiage of 7.9.4*
- *Strike 7.9.2 and 7.9.3*
- *Recommend that the Board of Selectman create regulations for the licensure of marijuana establishments to supplement zoning by-laws*
- *7.9.1 will specify that the 300-foot buffer is to be measured facility to facility at the nearest point*

*Kate Feodoroff will make changes to the draft by-laws for the Planning Board to review prior to the Special Town Meeting and will also prepare a by-law on licensure and a by-law on taxes to propose to the Board of Selectmen.*

### **Town Planner Updates**

Bill Nemser stated that a couple people have asked about the number of units allowed in the Inclusionary Zoning By-law; the cutoff number will be discussed at the next meeting.

Bill Nemser will send the site plan and special permit request for the proposal for 173 Main to the Planning Board for review prior to the Public Hearing at the next meeting.

*Greg Tuzzolo made a motion to adjourn, which was seconded by Brent Mathison*

**Adjourned** at 9:56 p.m.