

BOARD OF SELECTMEN
TUESDAY, SEPTEMBER 10, 2019

The regular meeting for the Board of Selectmen convened at 7:00 p.m. in the conference room in the Town Office Building at 110 Main Street. In attendance were John R. Morrell, Edward S. Harrison, and Dr. Richard M. Smith. Also present were Town Administrator Evan Brassard and the media.

The Pledge of Allegiance was recited.

Acceptance of Meeting Minutes:

Mr. Harrison made a motion to accept the meeting minutes of August 27, 2019 – open session. Dr. Smith seconded, and it was unanimously VOTED.

Monson Memorial Classic:

Lee Williams and Jack Perry approached the Board of Selectmen and noted this is the 24th Annual Monson Memorial Classic Road Race, being held in honor of Kelly Waldron and her sister Kathy Waldron-Perry who both passed away from cancer eight months apart. All the proceeds will once again benefit Griffin's Friends.

Ms. Williams said the road race is scheduled for Sunday, November 10, 2019. They are requesting use of Memorial Hall, closure of a portion of Main Street during the beginning of the race with lane blockage during the race, and a donation from the Gifts to the Town Account.

Ms. Williams explained they would like to block off a lane from approximately Park Street going north, to create a lane for the runners since the road gets so narrow right there by that corner. The last group of runners finish around 3:00 p.m. Main Street Tavern opens around 12:00 for lunchtime, and she wasn't sure if they would allow this.

Mr. Brassard recalled this happening last year, where a lane was blocked off for the runners in front of the House of Art. Ms. Williams said it gets hard for the runners with cars parked on both sides of the street from Main Street Tavern down to Park Street.

Mr. Harrison said parking is hard in that area, and it might affect Main Street Tavern's business for three hours.

Ms. Williams wondered if the patrons for Main Street Tavern could park in back.

Dr. Smith responded, they have had that discussion with them before and parking in back is very limited. The parking in the back is for residents as well, so the restaurant relies a lot on the on-street parking.

Ms. Williams said they could just block the lane from in front of the House of Art, or by the hairdresser's, down to Trinkets and Treasures. This is only for the finishers in the race.

Mr. Morrell suggested running the lane blockage/parking past the Police Chief to see what his comments are on that.

Mr. Perry said he would also like to reroute the traffic at the beginning of the race from Lincoln Street, over to Green Street, and back to route 32, so runners are comfortable out in the road for the 15 minutes at the start of the race.

Mr. Morrell suggest they also run this past the Police Chief for his thoughts on it.

Mr. Harrison made a motion to approve the request to hold the Monson Memorial Classic on Sunday, November 10, 2019, with the use of Memorial Hall, and to approve the request in the amount of \$1,500 from the Gifts to the Town Account to support the road race; along with rerouting traffic as described and parking/lane blockage to be worked out, and with approval, from Police Chief Stephen Kozloski. Dr. Smith seconded, and it was unanimously VOTED.

Adult Use Cannabis Bylaw Listening Session:

Mr. Morrell explained this is not a public hearing, but a listening session, only for public comments regarding the cannabis bylaw. Mr. Morrell stated the Board of Selectmen don't hold public hearings for bylaws, the Planning Board does that.

Mr. Morrell asked if anyone in the audience want to say anything.

Sandy Bailey – 56 Wilbraham Road, approached the Board of Selectmen and noted she and her husband Leo have lived in town for forty years, and raised their seven children here. Mrs. Bailey said they have been looking into the cannabis, putting a lot of time and effort into it and gaining a lot of knowledge. Mrs. Bailey said they have gone up north in the Charlemont area to meet with farmers who have already put up greenhouses, as well as out in the eastern part of the state who are already growing and cultivating. Her suggestion, if it could be worked out together, is to possibly combine what the town wants to do for a bylaw with what they are interested in.

Karen Otoole – 54 Beebe Road, approached the Board of Selectmen and said her home is located in the rural residential zone. Ms. Otoole explained at the July Special Town Meeting, a bylaw was introduced but didn't pass by the required 2/3's majority vote. One of the topics for discussion was greenhouses and she felt the setbacks were more than fair; at least 50 acres of property with a 200' setback. She has 50' between the property line and her house, and her neighbors raise horses. Behind her house is all fields. Over the years, they have had various animals from cattle to sheep, etc. and at 50' she has never smelled any of the animals, and she feels some of the animal smells is probably a lot stronger than cannabis, and therefore felt 200' is fair. Ms. Otoole felt there was some confusion at the July Town Meeting with what would take place in rural residential zones, it would be only growing, no sales or manufacturing, according to Jessica Allen's proposed bylaw.

Ms. Otoole said she feels a Marijuana Bylaw Committee should be put in place, and feels if nothing happens after this goes to Town Meeting, another Committee should be formed and everybody on that committee should be supportive of growing cannabis in Monson.

Ms. Otoole said she is in favor of our local farmers being allowed to compete, and for a marijuana co-op. Ms. Otloole is also in support of Mrs. Allen's proposed bylaw, the way it is right now.

Brenda Gagne – 21 Highland Avenue, approached the Board of Selectmen and noted she is concerned we don't have a Marijuana Cannabis Bylaw Committee. She explained she isn't in favor of big industries coming in and taking over, and would like to see the farmers have a chance with small seasonal grow instead of a bunch of big greenhouses.

Jessica Groleau – 101 Stafford Hollow Road, approached the Board of Selectmen and stated she was born and raised on a 3rd generation farm here in town, and feels the farm co-op isn't the same, it's not letting farm land be farm land. Ms. Groleau noted she has a bachelors' degree in horticulture from UMASS. She is a head grower of cannabis indoors and noted it costs millions of dollars to get the grow-ups off the ground. Ms. Groleua said she is 100% all for them, but the farm co-op isn't even competition; it's not the same scale, not the same way of growing, not utilizing the resources to which we have, and it's not allowing the farmland to be farmland.

Scott Harris – 59 Cote Road approached the Board of Selectmen and said he understands there are a couple of different write-ups of plans for the marijuana growing process; the town has one, and Mrs. Allen has one. Mr. Harris wanted to hear Mr. Brassard's version of it.

Mr. Brassard responded the Town really has no version right now, and that is the purpose of this listening session, to incorporate the thoughts into a bylaw. We have Mrs. Allen's revisions of the bylaw; which the Board of Selectmen need to act on as a subsequent agenda item. Mr. Brassard explained he really doesn't have anything to give Mr. Harris at this time. The bylaw presented in July 2019, was 80% what the town had already been working on with revisions, probably more in favor of what the co-op stuff was going to be. The subsequent bylaw, as he is reading it now from Mrs. Allen, is mostly the same just everything striped out to be just co-op, it doesn't deal with any of the other issues.

Mr. Harris felt we could use Mrs. Allen's version as the building blocks, and just wok off of her bylaw.

Mr. Brassard reiterated it's the town's version, we had all the building blocks, it then went to the petition route which failed, so it was worked on some more to come up with a more comprehensive approach. Therefore, there is nothing to say the town can't incorporate all or most of Mrs. Allen's proposal into a more comprehensive bylaw, it's just a matter of hearing what people have to say before we go and create a revised draft.

Jessica Groleau re-approached the Board and questioned what the town is getting from allowing farmers to do this, and noted there is a percentage the town can ask for as revenue on what is grown, and she feels this should be highlighted as a benefit.

Roxanne Gunther – 69 May Hill Road approached the Board of Selectmen and said she is in agreement with Ms. Otoole and feels there should be another committee appointed, and they should be people in favor of it. Ms. Gunther feels it should be moved forward, and feels there is a lot of money to be made.

Ms. Gunther said she would rather keep it with the farmers here in town rather than have people come into town and buy up the land and make money for themselves.

Karen Nothe-Valley – 230 Stafford Road approached the Board of Selectmen and said she is in favor of incorporating Mrs. Allen’s proposed bylaw as written into the Town’s proposal, and noted she is happy for the listening session. Mrs. Nothe-Valley said at Town Meeting she was very skeptical of the bylaw and came away voting in favor of it after listening to all the pros and cons.

R.Keith Valley – 230 Stafford Road approached the Board of Selectmen and said he was in favor of the bylaw at the Town Meeting, and he is still in favor of the proposal. Mr. Valley feels we need to protect our farmland in town to stop large farm companies from other countries from purchasing our farms, not only here in town but throughout our country. If this happens, we would lose control of our land and certain markets happening in the industry right now; and feels this is a win-win situation as it will preserve our farmland, keep the farms going and making money for our farmers, and keep other people out of our town for whatever reason who would turn it into something else. Mr. Valley said he is in favor of this, and feels we should accept Mrs. Allen’s proposal.

Ms. Otoole re-approached the Board of Selectmen and added the farmers in Monson being able to farm cannabis will keep profits in Monson. She feels the money should be kept in our economy and feels it’s going to be huge.

Jay Jasper – 140 Chestnut Street Springfield approached the Board of Selectmen and reminded the Board of Selectmen retail facilities are able to offer 3% of their gross to the town, but cultivation facilities are limited to up to 3% of the community impact fee after the town has demonstrated impact from that cultivation facility, for example extra police duty, etc., which he stated is different from 3% of gross that a retail facility can ask for.

Mr. Brassard asked Mr. Jasper if the municipality can negotiate a host agreement with a grow only that is 3% of gross.

Mr. Jasper responded, the Cannabis Control Commission has strongly implied that would be subject to litigation.

Craig Sweitzer of the Monson Planning Board approached the Board of Selectmen and said he read the proposed bylaw and he feels it’s a pretty good bylaw. Mr. Sweitzer noted the residents of Monson voted for recreational cannabis and feels it should be allowed. He thinks it should be looked into if the use is going to be allowed by right without any discussion, or by special permit. To him, that’s a big thing, because if it’s allowed by right, there can be no discussion or conditions put on it. If there is a unique situation, such as what the building looks like, or what the hours of operation are, etc., it can be negotiated with a special permit, but not by right.

Mr. Sweitzer wondered if this will go right to the Town Meeting, or if there will be a committee.

Dr. Smith asked, for clarification when Mr. Sweitzer said he read the bylaw, was he referring to the proposed bylaw by Mrs. Allen or the one the town has been working on?

Mr. Sweitzer responded, Mrs. Allen's, because he doesn't feel as though the bylaw the town has been working on was ever completed or came to fruition; and therefore feels Mrs. Allen's is the most completed at this point, and thought it looked pretty good to him.

Mr. Brassard told Mr. Sweitzer the proposed bylaw from Mrs. Allen deals strictly without retail, which he feels the town needs to address, and asked if he felt it would be reasonable to move forward with this now rather than combine the two, and having two separate sections. This will allow the farming to go forward, and then we could deal with the retail separately.

Mr. Sweitzer responded he didn't know if that was his decision and felt Mrs. Allen should have input on that. Mr. Sweitzer said from his experience, if you simplify the bylaw, it stands a much better chance of passing. If you put retail into it, you might lose some support, and he feels if you want to get this passed, it might be good to do it in a two-step process.

Scott Harris re-approached the Board of Selectmen and said he feels people get confused when retail is brought up, thinking retail means there is going to be a shop put up on Main Street. When you have a farm that grows broccoli, they will sell what they grow to a store or whatever, and he feels that portion of retail is fine. But, feels it gets confusing to people when you start adding retail into this. Right now, Mrs. Allen's proposed bylaw just talks about growing it and getting the building blocks in place so we can actually have local people here in town keep their farms and be able to do things other than solar or selling their land to other entities. Mr. Harris agreed he would like to keep the retail portion separate and this should be just about getting the farm portion of it set up and fine tuned for now. Afterwards move ahead and have the discussion about how it is being grown, where are they selling it to, who is buying it, etc.

Ms. Otoole re-approached the Board of Selectmen and said with all respect to Mr. Sweitzer, she disagrees, and would give the farmers this opportunity by right because the rules would be solid and clear. There wouldn't be any mistakes of someone saying no because they don't like them, etc.

Jessica Groleau re-approached the Board and said having gone through the FCR process with the CCC (Cannabis Control Commission), the process is unbelievably hard. Most grows actually fail before they can open because they can't pass the CCC requirements to be able to grow marijuana medically in passing regulations for product testing. Therefore, if we put it by right, you still have to pass all the CCC's requirements before anything can get built or anything can be opened. Therefore, she feels the CCC's regulations would be harder than anything the Town of Monson could initiate.

Craig Sweitzer re-approached the Board of Selectmen and said regarding by right or by special permit, he can see why they may want it by right, however, he feels it might get a lot more support if indeed it went by right if somehow, they could pin down what the building should look like. To see a building like Holistic in a residential zone would be a disservice to Monson; however, if the building looked like a typical greenhouse or a barn, it would fit in. Mr. Sweitzer feels if it were tightened up, you could allow it

by right. But, that's the beauty of a special permit, you can see the plans of the building before it's approved. If it's by right, you can't see the plans of the building before you approve it.

Mr. Harris re-approached the Board of Selectmen and said he thinks if there is a 30' vegetative buffer, that Mrs. Allen had in her bylaw proposal, he didn't feel as though anyone would see a building from that distance unless they had spotlights, etc. Mr. Harris feels if the bylaw is similar to what Mrs. Allen had written in her proposal back in July, he didn't feel there would be any noise coming from it and it wouldn't be seen.

Roxanne Gunter re-approached the Board of Selectmen and agreed the bylaw should be in two parts because, at the Special Town Meeting some people were saying they were worried about where the retail was going to be sold and what they were going to be selling, and feels this might be a reason why it didn't pass.

Ms. Otoole re-approached the Board of Selectmen and said Mrs. Allen did cover all of that in her proposed bylaw as far as the buffer, etc. She does understand what is being said and we don't want an eyesore. Ms. Otoole said there was one part in Mrs. Allen's bylaw that says the town can request some type of additional buffer, and felt maybe it should say that will be a requirement.

Mr. Morrell asked if anyone else wished to speak, no one responded. Mr. Morrell thanked everyone for their comments and told everyone they should go to the Planning Board's public hearing when it is held as the Planning Board will be making the recommendation for the Town Meeting.

Mr. Morrell closed the listening session at 7:44 p.m.

Jessica Allen Cannabis Bylaw Submission:

Mr. Morrell said normally the Board of Selectmen vote to pass the proposed submitted bylaws right on to the Planning Board. However, in this case, Mr. Morrell as Chairman, has decided to let Mrs. Allen speak tonight since there are a lot of people here interested in this who want to hear Mrs. Allen as well.

Jessica Allen approached the Board of Selectmen and said she appreciates the opportunity, and gave the attached presentation.

Mrs. Allen thanked the Board.

Green Communities Grant Award:

This was passed over.

Correspondence was read and completed.

In Other Business to Come Before the Board:

There wasn't any new business to come before the Board.

At 8:06 p.m., Dr. Smith made a motion to adjourn from open session. Mr. Harrison seconded, and it was unanimously VOTED.

Dr. Richard M. Smith, Clerk