



Planning Board – Town of Spencer
Minutes
Planning Board Meeting
Tuesday April 23, 2013 at 7:00 PM
McCourt Social Hall
Memorial Town Hall

Planning Board Members Present: Chair James Whalen, Mary Stolarczyk, Robert Ceppi, Jonathan Viner and Ralph DiChiara

Planning Board Members Absent: Shirley Shiver

Staff Present: Michelle Buck, Town Planner and Brynn Johnson, ODIS Jr. Clerk

Mr. Whalen opens the meeting at 7:00pm.

This meeting was advertized in the Worcester T&G and the Spencer New Leader. However, there are no members of the public present. Selectman Donald Berthiaume is in attendance.

Ms. Buck gives a PowerPoint presentation with an overview of the Mass Department of Public Health draft regulations regarding medical marijuana and the proposed Spencer Zoning Bylaw amendments. Ms. Buck shows the revised zoning map that will include Medical Marijuana Treatment Centers if article 30 were to pass. The zone for treatment centers would be located within the commercial and industrial zoning districts. Since last meeting DPH has made some changes/additions to the regulations. They specifically added the word debilitating; in order to be prescribed marijuana you must have a debilitating medical condition. Under the age of 18 will require two doctor recommendations and parents' permission. There can only be 35 centers State wide with no more than five in Worcester County. However they can add more in the future if need be.

In the State Regulations there is only one small section that relates to Towns. It says local Towns may adopt their own local regulations, bylaws and fees.

The complete regulations are available for review on-line at www.mass.gov/medicalmarijuana.

Article 29 Public Hearing Proposed Amendment to Spencer's Zoning Bylaw -Create a new Section 4.8.8., Temporary Moratorium on Medical Marijuana Treatment Centers, that would disallow this use through June 30, 2014 in order to undertake a planning process to evaluate regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana and address the potential impact of the state regulations on local zoning.

The Board discusses the Temporary Moratorium.

Mr. Whalen received an email from a member of the public asking if this one year moratorium passes can it be amended or reversed before the one year term is up. Mr. Berthiaume says yes it can. If by the fall the Town wanted to get rid of the moratorium they could have an article on the agenda at the Town meeting.

Mr. Ceppi asks if they adopt a moratorium would it just expire after one year or would they have to do something at the spring town meeting a year from now. Ms. Buck says if they did nothing it would just expire on June 30, 2014. If they do not propose an alternate it will just revert back to the standard zoning.

Mr. DiChiara and Mr. Berthiaume make it clear they are opposed to having a medical marijuana treatment center in Spencer.

MOTION: Mr. DiChiara makes a motion to recommend approval of article 29 for a Temporary Moratorium on Medical Marijuana Treatment Centers. Ms. Stolarczyk seconds the motion.

VOTE: 5-0 in favor

Article 30 Public Hearing Proposed Amendment to Spencer's Zoning Bylaw -Amend Sections 2.2 (Definitions) and 4.2 (Use Table, Principal Uses) and add a new Section 4.8.8. (Medical Marijuana Treatment Centers), to provide for the establishment of Medical Marijuana Treatment Centers in appropriate places within specified distances from residential neighborhoods, schools and other places where children congregate, and other land uses potentially incompatible with said facilities.

There is a discussion on how much land is actually available in the commercial and industrial districts for the treatment centers. Mr. Ceppi feels the area on the map is too restrictive.

MOTION: Mr. Ceppi makes a motion to deny article 30 because it is too restrictive. After some discussion no one seconds the motion.

There is **NO ACTION** on article 30.

Mr. Whalen asks if anyone would like to make another motion. There is no other motion made for article 30.

Mr. Whalen asks if there are any other questions or comments. There are none.

Adjournment: Mr. Ceppi makes a motion to adjourn. Mr. DiChiara seconds the motion. With no further discussion the meeting is adjourned at 7:42 pm.

Submitted by: Brynn Johnson, Jr. Clerk

Approved by the Planning Board on: _____

List of Documents used on April 23, 2013

Items sent to Planning Board prior to Meeting:

- Agenda
- Zoning Map
- Memo to Board from Michelle Buck dated 4/18/2013

- MA. Medical Marijuana Draft Regulations last modified 3/29/2013

Items submitted to Planning Board at meeting:

- none