

HAMILTON PLANNING BOARD  
MINUTES OF MEETING  
June 4, 2019

Members Present: Richard Boroff, Peter Clark, Janel Curry, Dan Hamm, Rick Mitchell,  
Brian Stein (Chair) and Bill Wheaton.  
Associate Members: Laura Walsh  
Planning Director: Absent

This meeting was called to order in the Memorial Room at Town Hall at 7:00 with a quorum established.

**Continued Public Hearing – Medical Marijuana Facility. Site Plan Review. 654 Asbury St.**

Brian Stein explained the Site Plan Review process and the Planning Board's responsibilities. Medical marijuana use was allowed in any district in Hamilton, according to Mr. Stein. Hamilton had banned retail sales but had allowed medical marijuana because the State said a town could not ban medical marijuana cultivation or sales. There must be a zone where it was allowed by right. The Planning Board had authority over the by-right use per the By-law. A few things had not been submitted regarding odor or noise and the application was considered incomplete. The applicant paid for the review engineer who would review the files. The Planning Board could deny the application if it were considered insufficient but if it met the guidelines, the Planning Board must approve the project unless there were exceptional circumstances. Mr. Stein noted that no case to date in the State of MA had a denial held up in court. The Site Plan approval could be conditioned to lessen the impacts. The applicant and Selectmen had agreed to a Host Community Agreement outlining the applicant's requirements. Mr. Stein added that the Host Community Agreement was a living document that could be amended to include issues that arose in the future.

Josh Lerner (Cutler Road) asked if a given site could be determined as an inappropriate site. David Geike (Highland St.) asked how to find the Host Community Agreement. Bob Patton (CEO Green Meadows Farm) discussed an article that noted water use of the farm and apologized for using the word "dishonorable" in reference to his previous response. Adam Barnoski (applicant's attorney) introduced himself and reiterated the terms of Site Plan Review process but noted the new process for the Board and community regarding medical marijuana.

Kevin McGarry (applicant's engineer) said he had given adequate information on: security, fire suppression, emergency response plans, facility operations plans, vegetated buffers, integration of building into the historic landscape, delivery schedule, waste management, construction impacts, and chemical storage and use. In the following weeks the applicant would address BETA comments. By the following hearing, the applicant hoped the Board would be ready to vote on project plans, stormwater, and water impact items as related to the permit tracking list. Mr. McGarry needed to add an updated photo-metrics plan, include a utility plan and utility and

growing medical marijuana that could be used for recreational use at a meeting in another town. Brian Stein responded that the applicant could not cultivate recreational marijuana in Hamilton, according to State law and the Host Community Agreement.

Misty Davey (Highland St.) said she had spoken to Hamilton's Police Chief who indicated that Southbridge was having trouble with the State and that there was increased crime and drug use. The attorney's applicant responded that MA was the most highly regulated market in the country and that the real need was medical. Members of the Board reiterated that they had purview over water, odor, noise, light, public safety, and immediate impacts to the town and infrastructure. Tymann noted that the last criteria for approval was that the proposal complied with other Town ordinances, one of which was the ban on recreational sales of marijuana.

Father Snyder (Ipswich) said he had been a pastor for 45 years working with substance abused teens. Father Snyder said medical marijuana cards protected users and that the Town had a moral responsibility to the community regarding the detrimental effects.

David Geike (Highland St.) wanted to hear about potential conditions that could be placed on the proposal. Tymann responded that a Town could deny if there were problems so intractable that no reasonable solution could be determined. Tymann thought the project would not be compatible to the existing natural features of the site or consistent with water supply. Tymann said no conditions could be offered that would maintain the water supply. Brian Stein reiterated again that no denial of a site plan approval had been upheld in court.

Robin Davis (Lois St.) asked about the process. Nicholas White (Woodland Meade) asked the Board to play the video of the applicant at the Southbridge meeting. Bill Wheaton suggested citizens speak with the Selectmen who might have misjudged public opinion. A straw vote showed most members were not in favor of watching a video from another town. Misty Davis added that most vets with Post Traumatic Stress Disorder didn't use marijuana. Jody Fenton (Patton Ridge) was concerned about the value of her house declining and that the loss of tax revenue from the declined values of Patton Ridge would minimize the potential income from the farm. Rick Mitchell asked Ms. Fenton to provide information that proved there would be a decline in value.

Jack Davis (Lois St.) was concerned that the Green Meadow website was advertised in the present tense when it had not been permitted to date. Craig Walker (Patton Ridge) agreed with the concern. Bob Patton responded that it was a promotional website of what would be provided. Tymann added that Mr. Patton had told the other town that he was fully approved in Hamilton. Linda Preston (Highland St.) questioned why the Board would not listen to the video. The response was that the third party tracking software would not allow changing medical to recreational labeling regardless of what might be presented in the video. The applicant indicated that there were recreational growers so if Green Meadows Farm had to have a recreational product, they would obtain it from another source if they needed it in Southbridge.

Amanda Sanford (Autumn Lane) asked about profit margins and if recreational marijuana use took the market share of medical marijuana, what might happen. Dan Davie (Highland St.) was concerned the employees might distribute the product in an illegal manner. Bill Wheaton responded that the Police Department had indicated the facility was secure but could not predict employee behavior. Richard Boroff noted the tracking system that would pick up missing product. In response to Mr. Davie's comment that the Board had a moral responsibility to not allow certain things to happen, Rick Mitchell said the Town could not adopt a belief system that excluded things that were allowed by law. Peter Clark added that Site Plan Review had nothing to do with moral beliefs. Mr. Wheaton suggested that the citizenry of the town speak with the Selectmen regarding the Host Community Agreement. Future By-law changes to regulate medical marijuana would not affect the current application. The use could not be banned but could be regulated through zoning.

Tim Whitman (Asbury St.) asked about the effects of the water ban on the facility. Brian Stein responded that water usage would be monitored and tracked every six months, which could be a condition of the approval. Peter Clark noted that Ipswich River Watershed Association wanted a net zero application. Tim Olson would be present at the following meeting to discuss what was allowed by the State. Rolland Brooks (Essex St.) agreed with Mr. Whitman. Tymann asked that consultants' reports be provided before straw votes by the Board occurred. The Board agreed. Misty Davis noted that drug companies were not afraid of the Federal government.

Kevin McGarry hoped the Board would vote on the following at its next meeting: 8. security, 10. emergency response plans, 11. facility operation plans, 12. vegetated buffers, 14. integration of the building in the historic landscape, 16. delivery schedules, 17. waste management, 18. construction impacts, and 19. chemical storage and use. Mr. McGarry thought all the information regarding those points had been submitted. By the next meeting, the applicant would have provided: 2. project plans, 5. surface and groundwater quality, 6. drainage, 7. site plans, and 15. lighting. Water needs required more discussion. Once supplemental information was provided to BETA, Mr. McGarry thought all groundwater issues would have been addressed.

Motion by Janel Curry to continue the hearing on the medical marijuana site plan review and stormwater management until June 18, 2019.

Bill Wheaton seconded.

Vote: Unanimous in favor.

#### **Master Planning – Residential Forum Recap.**

Brian Stein recalled the consultants were working on the financial analysis and a fiscal impact. Sites for duplex units and townhouses as well as a renovation of a great estate would be reviewed. Assessor data was forthcoming.

**Board Business**

The Town Hall Building Committee meeting was discussed.

**Minutes**

Motion made by Janel Curry to approve the minutes of May 7, 2019.

Seconded by Bill Wheaton.

Vote: Unanimous in favor.

**Adjournment**

Motion made by to Dan Hamm to adjourn.

Seconded by Peter Clark.

Vote: Unanimous to adjourn at 10:01 pm.

Prepared by:

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Marcie Ricker

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Attest

Date