

PIONEER VALLEY PLANNING COMMISSION (PVPC)
Minutes of the Full Commission Meeting Held on Thursday, December 14, 2017
Hadley Farms Meeting House
41 Russell Street, Route 9 – Norwottuck Suite
Hadley, Massachusetts

Commission Members Present Were:

Doug Albertson	Alternate Commissioner	Belchertown
Lynn Arnold	Alternate Commissioner	Holland
Mark Cavanaugh	Commissioner	South Hadley
T.J. Cousineau	Commissioner	Blandford
Paul Diemand	Alternate Commissioner	Southampton
William E. Dwyer	Commissioner	Hadley
Marilyn Gorman Fil	Alternate Commissioner	Monson
Walter Gunn	Commissioner	Longmeadow
Linda Hamlin	Alternate Commissioner	Huntington
Scott Hanson	Alternate Commissioner	Springfield
Richard Holzman	Commissioner	Chester
Jack Jemsek	Commissioner	Amherst
George Kingston	Commissioner	East Longmeadow
Josh Kusnierz	Commissioner	Ware
Christopher Martin	Alternate Commissioner	Granby
John Mieczkowski	Alternate Commissioner	Hadley
Mark Paleologopoulos	Commissioner	Agawam
Marcus Phelps	Commissioner	Southwick
Tracey Plantier	Commissioner	Wilbraham
Thomas Reniewicz	Commissioner	Chicopee
David Sanders	Alternate Commissioner	Wilbraham
Nancy Talbot	Alternate Commissioner	Ware
Judy Terry	Commissioner	Chesterfield
Jeffrey Wyand	Commissioner	Huntington

Guests Present:

Jeffrey Bagg, Project Manager, Central Massachusetts Regional Planning Commission (CMRPC)
Dan Beaudette, Town of Belchertown
Abbie Jenks, Town of Pelham
Geoff Kravitz, Town of Amherst
Tessa Murphy-Romboletti, Member of the Statewide Cannabis Advisory Board

PVPC Staff Present:

Pat Beaudry, Manager of Public Affairs
Tim Brennan Executive Director
Indrani Kowlessar Gallagher, Office Manager/Executive Assistant
Joshua Garcia, Municipal Services/Manager

Communities Not Represented at the December 14, 2017 Commission Meeting Were:

Brimfield	Ludlow	Tolland
Cummington	Middlefield	Wales
Easthampton	Montgomery	West Springfield
Goshen	Palmer	Westfield
Granville	Pelham	Westhampton
Hampden	Plainfield	Williamsburg
Hatfield	Russell	Worthington
Holyoke		

1. Chairman's Call to Order, Welcome and Minutes of the Regular Commission Meeting Held on October 12, 2017

The December 14th meeting of the Pioneer Valley Planning Commission (PVPC) was called to order at 5:31 p.m. by Commission Chairman Walter Gunn. Following introductions around the room, Mr. Gunn called for a motion to approve the minutes of the regular Commission meeting held on October 12, 2017.

MOVED BY LYNN ARNOLD, SECONDED BY JUDY TERRY, TO APPROVE THE MINUTES OF THE REGULAR COMMISSION MEETING HELD ON THURSDAY, OCTOBER 12, 2017.

Mr. Gunn asked if there were any questions, comments or corrections regarding the subject meeting minutes but none were forthcoming.

THERE BEING NO QUESTIONS, COMMENTS OR CORRECTIONS, THE MINUTES OF THE OCTOBER 12TH COMMISSION MEETING WERE UNANIMOUSLY APPROVED.

2. Minutes of the Executive Committee Meeting Held on October 26, 2017

Mr. Gunn noted that the draft minutes of the Executive Committee meeting held on October 26th were distributed for information and reference purposes only and no action needs to be taken. Mr. Gunn moved to take up the next agenda item.

3. Preparing for the Commonwealth's 2018 Introduction of Recreational Marijuana – Two Perspectives on the Role of Massachusetts Cannabis Commission and How Local Control Issues Will Likely be Addressed

Mr. Gunn asked Tim Brennan to introduce tonight's special presentation and regional forum. Mr. Brennan reminded Commission members that Larry Smith, the PVPC's Senior Planner in the Environment and Land Use Section, had provided an initial informational presentation on planning for and regulating recreational marijuana businesses at the local level at the October 12th Commission meeting. Mr. Brennan then introduced and welcomed the following two guest panelists to provide updated information on this important and timely topic:

- Jeffrey Bagg, Project Manager at Central Massachusetts Regional Planning Commission (CMRPC). Mr. Brennan noted that Mr. Bagg is in the process of coordinating a statewide coalition of Massachusetts regional planning agencies (RPAs) to work on zoning control issues in order to help guide municipalities on regulations such as moratoriums, zoning ordinances and bylaws;
- Tessa Murphy-Romboletti, one of three members representing Western Massachusetts on the Statewide Cannabis Advisory Board to the Cannabis Control Commission (CCC). Mr. Brennan further explained that Ms. Murphy-Romboletti will provide an overview of the CCC subcommittees as well as the timelines and regulations that are presently under consideration by the members of the CCC.

At the point, Mr. Brennan invited Ms. Murphy-Romboletti to begin her presentation. Ms. Murphy-Romboletti began her opening remarks by stating that, prior to working at the Holyoke Chamber of Commerce, she had been employed in the City of Holyoke's Planning and Development Department. Ms. Murphy-Romboletti noted that, during her tenure at the City of Holyoke, she became the primary contact for residents who were interested in starting a medical marijuana facility. Ms. Murphy-Romboletti noted that she has a medical marijuana user license and having the perspective of using medical marijuana has been especially useful in her new role as a member of the Cannabis Advisory Board. Ms. Murphy-Romboletti further stated that the State Attorney General's office recruited her for the Cannabis Advisory Board because they were seeking a western Massachusetts representative as well as someone who has worked with small businesses and is also familiar with local procedures and policies from a medical marijuana perspective.

Ms. Murphy-Romboletti explained that the Cannabis Advisory Board consists of 25 members. Ms. Murphy-Romboletti commented that appointees to the Cannabis Advisory Board represent a variety of industries, including public health, law enforcement and small business and the role of this group is to provide ideas and recommendations to the CCC. However, Ms. Murphy-Romboletti underscored that the CCC is under no obligation to accept any of the Cannabis Advisory Board's recommendations.

Ms. Murphy-Romboletti stated that the first meeting of the Cannabis Advisory Board in Boston consisted of an introduction of the goals that were mandated by the recreational marijuana regulations in addition to a review of the advisory board's role helping in guiding the CCC. Ms. Murphy-Romboletti noted that the timeline was very tight as she was asked to serve on the Cannabis Advisory Board in late August 2017; the first advisory board meeting was in October 2017; and recommendations from the Cannabis Advisory Board to the CCC were due November 30, 2017.

Ms. Murphy-Romboletti explained that the Cannabis Advisory Board has four subcommittees and Advisory Board members could choose whether or not to serve on any of them. Ms. Murphy-Romboletti next reviewed the focus of the following subcommittees: 1) the Public Health subcommittee made recommendations on marketing and labeling from a public health perspective such as providing information on the limits on individual purchases and how to market public health warnings; 2) the Public Safety and Community Mitigation subcommittee dealt with public safety recommendations, law enforcement and community mitigation issues such as business and property concerns as well as zoning; 3) the Cannabis Industry subcommittee concentrated on cultivation, processing and seed-to-sale tracking; and 4) the Market Participation subcommittee made recommendations that would concern women, minorities, veteran-owned businesses, local agriculture and coops. Ms. Murphy-Romboletti added that she participated in the Public Safety and Community Mitigation and the Market Participation subcommittees. Ms. Murphy-Romboletti then stated that the Cannabis Advisory Board had submitted its recommendations to the CCC last week and she added that, even though the Cannabis Advisory Board has completed the initial assignments given to it by the CCC, she remarked that she will continue to be involved in this issue since her appointment on the Cannabis Advisory Board which has a three-year term.

After Ms. Murphy-Romboletti concluded her remarks, she asked if there were any questions or comments for her. Mr. Brennan asked Ms. Murphy-Romboletti to review next steps for the Cannabis Advisory Board and the CCC. Specifically, Mr. Brennan noted that next week there is to be a meeting of the CCC and he asked if the CCC would be reviewing the Cannabis Advisory Board's recommendations at that time. Ms. Murphy-Romboletti explained that the CCC is taking up for consideration the recommendations that each subcommittee made at the above-noted meeting. Ms. Murphy-Romboletti further explained that this meeting is critical because the CCC will vote on its recommendations and she added that these recommendations have to be finalized by mid-March of 2018. Ms. Murphy-Romboletti further explained that after the CCC makes its recommendations the Cannabis Advisory Board will have the opportunity to review them and submit additional feedback and suggestions by January 2018.

T.J. Cousineau, Commission member representing the Town of Blandford, observed that, after medical marijuana legislation was passed, officials who presented at the February 16, 2017 Commission meeting noted that they had several regulations in place for medical marijuana facilities related to ventilation, lighting, etc. Mr. Cousineau then asked, now that recreational marijuana legislation has passed, will regulations be more open? In addition, Mr. Cousineau asked whether medical marijuana businesses will likely be in danger of decreased sales due to the passage of recreational marijuana legislation. Ms. Murphy-Romboletti responded by explaining that medical marijuana operators serve a population that is different from those who are seeking to purchase recreational marijuana. Therefore, Ms. Murphy-Romboletti concluded that it appears that recreational marijuana legislation will not make medical marijuana businesses obsolete. Ms. Murphy-Romboletti further explained that the regulations for recreational marijuana will be similar to regulations imposed on alcohol retail licensing and she stressed that the Cannabis Advisory Board's recommendations are intended to make recreational marijuana legislation less restrictive since setting fewer limits could potentially encourage economic opportunity in a variety of industries in such businesses as cultivation and retail.

There being no more questions for Ms. Murphy-Romboletti, Mr. Gunn asked Mr. Bagg to begin his presentation. Mr. Bagg first introduced himself by noting that he has had eight years' experience as a planner in the Town of Amherst and during his tenure in Amherst the Town's medical marijuana bylaw had been created. Mr. Bagg further stated that, while working for the Town of Amherst, he was the point of contact for medical marijuana establishments and gave guidance to municipal officials.

Mr. Bagg remarked that the issue of recreational marijuana legislation is an incredibly complicated topic to unpack because so many unanswered questions remain. Mr. Bagg next explained that one of his responsibilities through CMRPC was to put together the framework for a working group comprised of the 13 Massachusetts RPAs. Mr. Bagg further stated that most of the RPAs have a designated a lead staff person to keep up to date on medical and recreational marijuana legislation. However, Mr. Bagg noted that keeping current on this topic has been challenging since decision making on recreational marijuana regulations is continually evolving. Mr. Bagg next referred Commission members to the link,

www.massmarpa.org/recreational-marijuana, which is being used as a platform to post information that could be useful to Massachusetts communities as they begin to prepare local recreational marijuana regulations consistent with governing state laws and regulations.

Mr. Bagg commented that the CCC has been working on developing draft statewide recreational marijuana regulations and are posting daily press releases that identify which specific regulations have been reviewed. Mr. Bagg further stated that the CCC is attempting to remove some of the barriers that medical marijuana establishments have encountered here in Massachusetts and are striving to set up a structure that will allow recreational marijuana business establishments to flourish such as lowering the cost of applicable licensing fees. Mr. Bagg then underscored that municipal leaders will need to determine the kinds of recreational marijuana regulations their communities would want. Mr. Bagg added that several communities have already established working groups in order to begin a conversation about what kinds of local controls that they do or do not want to implement.

Mr. Bagg remarked that, as of July 1, 2017, Massachusetts state law on recreational marijuana changed based on how each municipality voted in November. Specifically, Mr. Bagg explained that, for communities that voted yes, the amended legislation created the following two-pronged process: if a municipality voted “yes” to recreational marijuana and if this city or town wants to limit or prohibit the number of recreational marijuana establishments, the community has to go back to vote on ballot questions and likewise enact local zoning provisions that enforce this at the local level. Mr. Bagg further stated that current state law also codifies that a host community agreement needs to be secured between a recreational marijuana establishment and the municipality before the establishment can begin its operations.

Mr. Bagg remarked that the timing of the entire implementation of recreational marijuana regulations will be exceedingly difficult for municipalities to cope with, noting that December 29, 2017 is the date that the CCC is required to file draft regulations to govern recreational marijuana throughout the Commonwealth. Mr. Bagg then commented that in February 2018 the CCC will present draft regulations in public hearings which will be held across the Commonwealth and he added that there will be opportunities to express concerns about the CCC’s proposed recreational marijuana regulations at that time. However, Mr. Bagg noted that, after February 2018, there could be additional refinements or changes to the final version of these regulations. Mr. Bagg further stated that the CCC has to establish final regulations by mid-March of 2018 and to begin accepting applications as of April 1st. Given this tight and highly aggressive timeline, Mr. Bagg commented that many communities have been adopting temporary moratoriums as a planning tool in order to provide adequate time to prepare, review and adopt their city or town’s zoning regulations.

At this point, Mr. Bagg noted that a senior staff official from the State Attorney General’s office has commented publicly that there is a small chance that a recreational marijuana facility could challenge a local moratorium. Mr. Bagg then noted that the intended process is that a recreational marijuana business applicant should submit an application to the CCC which will be forwarded to a city or town. Mr. Bagg added that, as of the information posted by the CCC this week, the community will then have 60 days to inform CCC whether or not the applicant is in compliance with its zoning regulations. Thus, Mr. Bagg stated, the question is, if municipality has a moratorium in place, will the CCC deny the application due to noncompliance because the community has a temporary moratorium on recreational marijuana businesses in place? Mr. Bagg reported that he, along with CMRPC Executive Director Janet Pierce, had co-written a letter to the CCC urging them to address this local moratorium question in the CCC’s draft statewide regulations. Mr. Brennan added that he had sent a memo back in September 2017 to all 43 PVPC member communities which recommended that cities and towns should seriously consider putting moratoriums in place in order to give them ample time to prepare their local zoning regulations.

After Mr. Bagg concluded his remarks, Mr. Brennan urged Commission members to go on record as a body by authorizing a letter to be sent to the CCC urging them to confirm that Massachusetts cities and towns can put temporary moratoriums of recreational marijuana establishments in place and these moratoriums will be honored. At this point, Mr. Gunn asked for a motion on this suggested action item.

MOVED BY WILLIAM DWYER, SECONDED BY T.J. COUSINEAU, TO AUTHORIZE THE CHAIRMAN AND EXECUTIVE DIRECTOR TO WRITE A LETTER TO THE CANNABIS CONTROL COMMISSION (CCC) THAT STRONGLY ENCOURAGES THE CCC TO IMPLEMENT REGULATIONS ALLOWING MASSACHUSETTS COMMUNITIES TO PUT TEMPORARY MORATORIUMS IN PLACE ON RECREATIONAL MARIJUANA ESTABLISHMENTS IN ORDER TO INSURE MUNICIPALITIES HAVE SUFFICIENT TIME TO DEVELOP AND APPROVE THE APPROPRIATE ZONING ORDINANCES AND BYLAWS.

Mr. Gunn asked if there were any questions or comments regarding the subject motion, but none were forthcoming.

THERE BEING NO QUESTIONS OR COMMENTS, THE MOTION WAS UNANIMOUSLY APPROVED.

Mr. Gunn thanked Ms. Murphy-Romboletti and Mr. Bagg for their informative presentations and he moved to take up the next agenda item.

4. Presentation, Review, Discussion and Initial Endorsement of the Planning Commission's Proposed Top Ten Resolves for 2018 Including a Brief Overview of the Past Year's Accomplishments

Mr. Gunn noted that the focus of this agenda item is to initially endorse the Commission's proposed draft Top Ten Resolves for 2017. Mr. Gunn subsequently asked Mr. Brennan to provide more detailed information on this agenda item.

Mr. Brennan remarked that this agenda item is composed of the following two parts:

- The 2017 Major Accomplishments: Mr. Brennan remarked that this is the PVPC's equivalent to an annual report which reviews specific accomplishments achieved during the previous calendar year. Mr. Brennan explained that the PVPC's 2017 Major Accomplishments report begins with listing the Top Ten Resolves from the previous year. Mr. Brennan further stated that, next to each resolve, it is annotated whether or not the resolve had been either fully or partially accomplished. Mr. Brennan then explained that the next section of the report is devoted to the major work activities of the key planning sections. Mr. Brennan stated that the last section of the report is a compilation the local technical assistance (LTA) provided to each of the PVPC's member communities. Mr. Brennan added that the PVPC's 2017 Major Accomplishments report will be distributed to its 43 member communities as well as to the Pioneer Valley's federal and state legislative delegations and key officials of the Baker-Polito Administration.
- The Top Ten Resolves for 2018: Mr. Brennan explained, for many years it has been the PVPC's practice to work on accomplishing ten priority goals within the calendar year. Mr. Brennan remarked that Commission members are being asked at tonight's meeting to preliminarily endorse the Planning Commission's list of proposed 2018 Top Ten Resolves. Mr. Brennan further stated that, following this initial endorsement, the Top Ten Resolves will be broadly distributed to the PVPC's 43 member communities and other partners asking for their review and comment. Mr. Brennan noted that any feedback received on these draft 2018 Resolves will be presented and discussed at the February 8th Commission meeting and further feedback and refinements may be made at that time before a final vote is taken at the February 2018 Commission meeting.

After Mr. Brennan had briefly reviewed each of the PVPC's proposed 2018 Top Ten Resolves, Mr. Gunn called for a motion to initially endorse them in a preliminary manner.

MOVED BY JUDY TERRY, SECONDED BY LYNN ARNOLD, TO ENDORSE, IN PRELIMINARY MANNER, THE PLANNING COMMISSION'S RECOMMENDED TOP TEN RESOLVES FOR 2018.

Mr. Gunn asked if there were any questions or comments regarding the subject motion but none were forthcoming.

THERE BEING NO QUESTIONS OR COMMENTS, THE PLANNING COMMISSION'S RECOMMENDED TOP TEN RESOLVES FOR 2018 WERE UNANIMOUSLY ENDORSED IN PRELIMINARY MANNER.

5. Staff Report on the Status of the House (House No. 2420) and the Senate (Senate No. 81) Zoning Reform Bills and Prospects for Consideration and Enactment by the Massachusetts Legislature in 2018

Mr. Gunn invited Mr. Brennan to begin his staff report on the House and Senate versions of statewide zoning reform bills. Mr. Brennan remarked that developments on the above-noted zoning reform bills have evolved within the last 48 hours. Mr. Brennan noted that the Senate version of the zoning reform bill is essentially the same piece of legislation that the Senate had approved in 2016 without any discernable changes. Mr. Brennan then remarked that PVPC staff members believe that the House version is a much stronger bill and this piece of legislation is being sponsored in the House by Representative Stephen Kulik. Mr. Brennan added that House leadership now believes that zoning reform should be a priority issue in the State House which is a big change from the past and, as a result, a wholesale revision of the House bill is now possible, although not certain.

Mr. Brennan remarked that representatives of six of the Massachusetts RPAs, including the PVPC, had met with Representative Kulik earlier this month at the State House to get his perspective on what next steps the House would take on zoning reform legislation. Mr. Brennan noted that Representative Kulik informed the RPAs that Speaker of the House Robert DeLeo had instructed five legislators including himself to take custodial responsibility of rewriting the House version of the zoning reform bill and this overhaul could begin early on in the new 2018 calendar year.

Mr. Brennan further commented that the Baker Administration has just announced a new program called the Housing Choice Initiative. Mr. Brennan explained that the bedrock of this above-noted initiative is for the Commonwealth to provide incentives for cities and towns to achieve the production of 17,000 more housing units per year through 2020. Mr. Brennan added that this initiative provides cities and towns with an array of technical assistance and monetary incentives to participate in this program by giving them priority access to either discrete capital grants that can support housing or for other priority grant programs of interest to municipalities across Massachusetts.

Mr. Brennan stated that, on the legislative side, the Baker Administration is attempting to identify a series of best practices and he added that the above-mentioned, proposed legislation outlines the best practices in housing that the Commonwealth wants to encourage communities to pursue and implement. Furthermore, Mr. Brennan noted that, should communities succeed in deploying these best practices, the two-thirds zoning margin will be dropped to 50 percent in order to facilitate the approval process by town meetings and city councils.

After Mr. Brennan had responded to a series of informational questions and comments raised by Commission members, Mr. Gunn thanked Mr. Brennan for his instructive presentation and he moved to take up the next agenda item.

6. Community Reports/Updates from Commission Members

There being no community reports or updates from Commission members Mr. Gunn moved to take up the next agenda item.

7. Executive Director's Highlights

Mr. Gunn invited Mr. Brennan to begin his Executive Director's report. Mr. Brennan announced that the PVPC sent solicitations for 2018 District Local Technical Assistance (DLTA) projects to chief elected officials and planning board chairs of the PVPC's 43 member communities. Mr. Brennan explained that the purpose of this solicitation is to gather ideas for projects in the areas of planning, shared services and Community Compact initiatives in member communities and he added that the DLTA solicitation letter asked for PVPC communities to respond by January 12, 2018.

Mr. Brennan announced that last week the City of Springfield received the top Brownfields award in the country for Union station. Mr. Brennan next mentioned that the PVPC's FY 2017 audit has been completed and will be presented by the Commission CPA firm at the January 25, 2018 Executive Committee meeting. Mr. Brennan added that the above-noted audit reports will be available to any Commission members upon his or her request.

8. Other Business Including the Schedule of the Commission and Executive Committee Meeting Dates for the First Half of 2018

Mr. Gunn commented that the proposed Commission and Executive Committee meeting schedules for the first half of calendar year 2018 had been previously distributed and Commission members should immediately notify Mr. Brennan if they foresee any major conflicts. There being no further business to conduct, Chairman Gunn adjourned the Thursday, December 14th Commission meeting at 7:26 p.m. without objection.

Respectfully Submitted,

Douglas Albertson, Secretary/Clerk
Pioneer Valley Planning Commission

List of Document and Other Items Distributed at this Meeting:

- Agenda of the Thursday, December 14, 2017 Commission Meeting and Suggested Motions
- Meeting Minutes of the Thursday, October 12, 2017 Commission Meeting
- Draft Meeting Minutes of the Thursday, October 26, 2017 Executive Committee Meeting
- PVPC Memo Dated September 22, 2017 Regarding Recommended Model Retail Marijuana Moratorium
- CMRPC Memo Dated October 26, 2017 Regarding Regulations – Written Comments for Public Listening Session
- Draft PVPC Top Ten Resolves for 2018
- PVPC 2017 Major Accomplishments Report
- Draft MARPA Preferences on Proposed Zoning Reform Legislation: House (H 2420) and Senate (S 81)
- House (House No. 2420) and Senate (Senate No. 81) Zoning Reform Bills
- Handout on Housing Choice Initiative
- Draft Schedule of the Commission and Executive Committee Meeting Dates for the First Half of 2018