

PIONEER VALLEY PLANNING COMMISSION (PVPC)
Minutes of the Full Commission Meeting Held on Thursday, October 12, 2017
Pioneer Valley Planning Commission
60 Congress Street – 2nd Floor Large Conference Room
Springfield, Massachusetts 01104

Commission Members Present Were:

Lynn Arnold	Alternate Commissioner	Holland
Rick Barnard	Commissioner	Blandford
T.J. Cousineau	Commissioner	Blandford
Charles Elfman	Alternate Commissioner	Agawam
Wayne Feiden	Alternate Commissioner	Northampton
Marilyn Gorman Fil	Alternate Commissioner	Monson
Walter Gunn	Commissioner	Longmeadow
Linda Hamlin	Alternate Commissioner	Huntington
Scott Hanson	Alternate Commissioner	Springfield
Jack Jemsek	Commissioner	Amherst
George Kingston	Commissioner	East Longmeadow
Christopher Martin	Alternate Commissioner	Granby
Mark Paleologopoulos	Commissioner	Agawam
Sierra Pelletier	Commissioner	Belchertown
Marcus Phelps	Commissioner	Southwick
Tracey Plantier	Commissioner	Wilbraham
Thomas Reniewicz	Commissioner	Chicopee
Stephen Snow	Commissioner	Williamsburg
Judy Terry	Commissioner	Chesterfield

Guests Present:

Linda Dunlavy, Executive Director, Franklin Regional Council of Governments (FRCOG) and Massachusetts Rural Policy Advisory Commission (RPAC) Member

Stephen Kulik, Massachusetts State Representative of Worthington and Vice Chair, House Committee on Ways and Means

Jeanne LeClair, Economic Director, Gateway Hilltowns Collaborative

Toriellen Swistak, Student, University of Massachusetts Amherst

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

Dana Roscoe, Principal Planner/Transportation Manager

Larry Smith, Principal Land Use Planner

Communities Not Represented at the October 12, 2017 Commission Meeting Were:

Brimfield	Holyoke	Southampton
Chester	Ludlow	Tolland
Cummington	Middlefield	Wales
Easthampton	Montgomery	Ware
Goshen	Palmer	West Springfield
Granville	Pelham	Westfield
Hadley	Plainfield	Westhampton
Hampden	Russell	Worthington
Hatfield	South Hadley	

1. Chairman's Call to Order, Welcome and Minutes of the Commission's 55th Annual Meeting Held on June 15, 2017

The October 12th meeting of the Pioneer Valley Planning Commission (PVPC) was called to order at 5:30 p.m. by Commission Chairman Walter Gunn. Following introductions around the room, Mr. Gunn called for a motion to address the June 15th Annual Meeting minutes.

MOVED BY JUDY TERRY, SECONDED BY LYNN ARNOLD, TO APPROVE THE MINUTES OF THE COMMISSION'S 55TH ANNUAL MEETING HELD ON JUNE 15, 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 55TH ANNUAL MEETING WERE UNANIMOUSLY APPROVED.

2. Minutes of the Executive Committee Meetings Held on June 22, 2017 and August 17, 2017

Mr. Gunn noted that the minutes of the Executive Committee meetings held on June 22, 2017 and August 17, 2017, were provided for information and reference purposes only and no action needs to be taken. Mr. Gunn then moved to take up the next agenda item.

3. Presentation, Discussion and Dialogue Focusing on the Changing Needs and Characteristics of the Commonwealth's Rural Towns and the Ongoing Work of the Massachusetts Rural Policy Advisory Commission (RPAC)

Mr. Gunn called upon Tim Brennan to introduce tonight's special presentation and regional forum. Mr. Brennan explained that this agenda item had been catalyzed by the work of Judy Terry, Commission member representing Chesterfield and the PVPC's designated representative to the Massachusetts Rural Policy Advisory Commission (RPAC). Mr. Brennan next announced that the focus of this evening's regional forum is to provide a greater understanding of the specific challenges of rural communities throughout the Commonwealth of Massachusetts. Mr. Brennan noted that tonight's regional forum panel consists of Massachusetts State Representative Stephen Kulik of Worthington and Vice Chair of the House Committee on Ways and Means; Linda Dunlavy, Executive Director of Franklin Regional Council of Governments and RPAC member; and Jeanne LeClair, Economic Development Director of the Gateway Hilltowns Collaborative. Mr. Brennan noted that Ms. Dunlavy will begin the panel presentation by reviewing a demographic analysis and summary of rural communities that was conducted for the RPAC by FRCOG staff. Mr. Brennan next invited Ms. Dunlavy to begin her presentation.

Ms. Dunlavy explained that her presentation will consist of the following components: an overview of the RPAC; a review of demographic and socio-economic trends in Massachusetts' rural towns; and highlighted results of FRCOG's survey of rural towns which was broadly distributed by the RPAC to Massachusetts rural communities.

Ms. Dunlavy stated that the RPAC was created by the Massachusetts State Legislature in 2015 and began meeting in late 2016. Ms. Dunlavy noted that the RPAC's core mission is "to enhance the economic vitality of rural communities." Ms. Dunlavy further explained that the RPAC membership consists of a representative each from the State House and Senate; the Secretary of the Executive Office of Housing and Economic Development; and 12 gubernatorial appointments. Ms. Dunlavy further stated that the RPAC legislation specifies that these gubernatorial appointments must include representatives from the regional planning agencies (RPAs) serving the rural communities of Berkshire, Cape Cod, central Massachusetts, Franklin County, Martha's Vineyard, Montachusett, Nantucket and the Pioneer Valley.

Ms. Dunlavy stated that the RPAC legislation's definition of a "rural" community is "a municipality with a population density of less than 500 people per square mile" and she added that 170 Massachusetts communities fall within this particular definition. Ms. Dunlavy further explained that these 170 communities take up approximately 59% of the state's total land area and is home to 13% of the Commonwealth's population. Ms. Dunlavy next presented a summary of demographic trends of Massachusetts' rural municipalities. Referring to her PowerPoint presentation, Ms. Dunlavy noted that from 2000 to 2010 the population has been declining in most of Massachusetts' rural areas and she further stated that, in general, the population is getting older in the majority of Massachusetts' rural areas. Ms. Dunlavy further explained that, although state population growth is primarily driven by foreign-born residents, they are not typically locating in the

Commonwealth's rural communities. Specifically, Ms. Dunlavy underscored that less than 10% of the total population in rural communities is foreign-born.

Ms. Dunlavy remarked that the median income is higher in metro eastern Massachusetts and lower in the Cape Cod area and western Massachusetts and she added that professional, scientific and management services are clustered inside the Route 128 belt. However, Ms. Dunlavy remarked that people who are self-employed are more predominant in rural areas. Ms. Dunlavy next referred to a PowerPoint slide which indicated that a large percentage of residents living in rural communities located in Hampshire and Franklin Counties are government and non-profit workers. Ms. Dunlavy then commented that significant reductions to federal funding to non-profits and government could have a greater negative impact on these two counties than on other Massachusetts counties. Ms. Dunlavy next explained that declining property values in rural towns reduces the municipal property tax levy ceiling and will ultimately decrease these communities' ability to pay for municipal services.

Ms. Dunlavy remarked that the RPAC selected the following project areas to focus their efforts in order to enhance economic vitality in rural areas: sewer/water and Title 5 issues; rural service delivery; and small business support and job creation. Ms. Dunlavy then explained that the RPAC distributed a survey developed by FRCOG to the 170 rural municipalities in Massachusetts which focused on the above-mentioned project areas. Ms. Dunlavy added that the RPAC received an excellent response rate of 59% to this survey.

After Ms. Dunlavy had briefly summarized the results of the RPAC survey, she stated that the RPAC identified the three following short-term goals on which to focus its efforts:

- Understand DEP environmental regulations and options for water and sewer expansion in rural areas
- Research and emulate national models for rural service delivery and funding
- Work with rural advocacy groups to promote and collaborate on shared priorities

After Ms. Dunlavy concluded her remarks, Mr. Gunn invited Ms. LeClair to begin her presentation. Ms. LeClair stated that her presentation will focus on the six Gateway Hilltowns of Blandford, Chester, Huntington, Middlefield, Montgomery and Russell. Ms. LeClair underscored the importance of Gateway Hilltowns gaining greater visibility since this area has not been attracting sufficient recreational visitors and, as a result, local businesses do not have the customer traffic necessary for these communities to thrive. Additionally, Ms. LeClair noted that other challenges for Gateway Hilltowns include inadequate entrepreneurship and small business support; limited access to broadband which, in the long term, will make a huge difference to these small communities; and taking care of the available commercial and residential space that need to be repurposed and occupied.

Ms. LeClair noted that part of her work to increase the visibility of this area included creating a website to serve the six Gateway communities and to brand these towns as the Gateway Hilltowns in order to identify them as a contiguous identifiable area. Ms. LeClair explained that the website's features include a centralized calendar of regional events; information on where to stay and what to do in the area; descriptions of each town; and links to each community's website. Ms. LeClair added that her other efforts to increase visibility within each community include writing columns on a regular basis for local newspapers and frequent attendance/reporting out at select board meetings.

At this point, Ms. LeClair next reviewed next steps to move the hilltown region forward which include the promotion of recreational opportunities to prospective visitors, residents and businesses; building and recruiting more recreational opportunities; pursuing shared services whenever possible; reviewing bylaws and policies to make them more business friendly; and reengaging residents to educate them on the positive characteristics of this region.

After Ms. LeClair concluded her remarks, Mr. Gunn asked State Representative Kulik to begin his presentation. State Representative Kulik explained that his comments will consist of reacting to Ms. Dunlavy's and Ms. LeClair's presentations and how the content presented has informed the work being done in the State House on behalf of rural communities. State Representative Kulik consequently remarked that the lack of broadband in rural areas is a big reason why these municipalities are losing population. State Representative Kulik further stated that rural communities have been bypassed by private sector broadband service companies because there is an insufficient client base for these types of businesses to recoup their investment if they brought fiber to every rural business and residence. State Representative Kulik added that broadband companies are not regulated the way landline telephone and electric utilities. Specifically,

State Representative Kulik noted that telephone and electric utility companies are required to provide universal service. Thus, State Representative Kulik explained that legislators are currently trying to determine how to subsidize the buildout of a service which has turned into a fundamental need.

State Representative Kulik next explained that a Rural Caucus has been formed in the State Legislature which is composed of House and Senate members who represent rural municipalities within Massachusetts. State Representative Kulik noted that the focus of the Legislature's Rural Caucus is to discuss specific challenges for small towns such as broadband, infrastructure, education and local aid. State Representative Kulik added that, with declining populations in small communities, these municipalities are functioning solely due to the efforts of volunteers which is not sustainable in the long term.

State Representative Kulik commented that, on the education front, declining populations in rural communities translates to local schools getting less school aid which he noted will negatively impact general local aid as well. State Representative Kulik next remarked that the distribution formulas for education and general local aid will need to be adjusted to provide a baseline for support. However, State Representative Kulik speculated that, if the distribution formula is adjusted as noted above, legislators may be asked to first prove that rural municipalities are sharing more services, such as fire departments and ambulance services, and are acting in the most efficient way possible.

State Representative Kulik remarked that many small towns are reaching their levy capacity under Proposition 2½ and he added that, since it's unlikely that Proposition 2 ½ will be changed, there has to be a way to figure out how rural communities can increase their annual operating budgets without having to skimp on capital investments. Consequently, State Representative Kulik stated that another challenge of the Rural Caucus is to determine how to get local and state resources to small towns since these municipalities are facing shrinking populations and mounting municipal debt challenges.

After State Representative Kulik had concluded his remarks, he asked if there were any questions for him and his fellow panel members. T.J. Cousineau observed that Proposition 2½ is geared more toward large urban areas. Mr. Cousineau added that the state legislature has to come up with a way for rural communities to be able to override Proposition 2½ in town meeting rather than by ballot since the residents who attend these meetings tend to have a better grasp of the subject because they have benefitted from the town meeting discussion. State Representative Kulik responded that the state legislature has discussed changing the override requirement so that the override could take place at a town meeting rather than by a ballot vote.

Mr. Cousineau then remarked that, in his community of Blandford, a selectman that was also an elected water commissioner had to give up one position because both positions were paid. Mr. Cousineau noted that there needs to be a way to avoid forcing public officials in rural communities to resign simply because they are collecting two minimal salaries. State Representative Kulik suggested that perhaps the Town of Blandford's select board could opt for appointing the above-mentioned selectman as special town employee so that he could do work for another department. Mr. Cousineau stated that the Town of Blandford has exercised this option frequently but these appointments can only be made on a temporary basis. State Representative Kulik then thanked Mr. Cousineau for his feedback and he added that he will bring back his suggestions to the state legislature.

Mr. Brennan asked Ms. Dunlavy for her perspective on the current effort to bring broadband service to communities that still did not have full coverage. Ms. Dunlavy noted that some towns have more municipal leadership and technical expertise to get through the process than others and she further stated that a great deal is being asked from the smallest communities to get broadband services implemented. State Representative Kulik noted that the western Massachusetts legislative delegation has been engaged in this issue since May 2016. This is when the Baker Administration paused the implementation of broadband in rural areas and restarted it by taking a new approach which emphasized that municipalities had to play a significant part in funding this effort. State Representative Kulik added that it is the Baker/Polito Administration's goal to have a path forward for broadband service in every unserved town throughout the Commonwealth by the end of the calendar year. State Representative Kulik then explained that, of the 34 to 40 communities that were underserved or unserved by broadband, most of them now have a solution. State Representative Kulik then commented that this still leaves 8-10 of the most rural towns that don't have a path forward. State Representative Kulik next remarked that the Massachusetts Broadband Institute had recently issued new Request for Proposals (RFP) to see if there are any private sector broadband providers that would be interested in doing business in any of these very rural towns and utilize the state allocation that's available to these communities.

There being no more questions for State Representative Kulik, Ms. Dunlavy and Ms. LeClair, Mr. Brennan thanked all of them for their informative presentations and he added that their insights will be helpful to PVPC staff as they determine how they can assist rural communities in the most constructive ways possible.

4. Informational Report and Latest Updates on the PVPC Efforts to Assist Member Communities to Address the Planning and Regulation of Recreational Marijuana Facilities in Accordance With State Law

Mr. Gunn invited PVPC staff member Larry Smith to begin his report on the PVPC's efforts to help member communities prepare to regulate recreational marijuana facilities. Mr. Smith began his presentation by first explaining that since there were several complications with the initial ballot question there was a legislative effort to pass a bill to correct some of the problems in it. Mr. Smith then remarked that the above-mentioned bill had passed but it failed to correct some of the major deficiencies that were in the original version and it even managed to create a few new challenges.

Mr. Smith next discussed the memo dated September 22, 2017 from Mr. Brennan which had been sent to the chief elected officials and planning board chairs of member communities. Mr. Smith reviewed the following three important deadlines annotated in the above-noted memo:

- *March 15, 2018*: Deadline for the Cannabis Control Commission (CCC) to adopt regulations for licensing retail marijuana facilities.
- *April 1, 2018, 17 days after the March 15th deadline*: Date when applicants can begin filling out applications for licenses from the CCC. Mr. Smith underscored that since the window between the deadline for the CCC to adopt regulations and the start date for accepting license applications is so small, this does not provide communities with sufficient time to develop and pass local zoning provisions.
- *June 1, 2018*: Date that the CCC is expected to begin issuing facility licenses.

Mr. Smith remarked that the PVPC had encouraged member communities to adopt moratoriums on recreational marijuana retailers through the end of next year and he added that this suggestion was based on a recommendation by the Massachusetts State Attorney General's office. Mr. Smith explained that the rationale for suggesting the adoption of moratoriums was to give regional planning agencies (RPAs) time to develop model bylaws for its member communities. Mr. Smith added that moratoriums also give municipalities sufficient time to run these bylaws through the adoption process. However, Mr. Smith explained that the Attorney General's office had more recently reversed itself by announcing that moratoriums may not be honored by the CCC. Mr. Smith next urged member communities to contact the CCC and their respective state legislators in order to inform them that the above-noted moratoriums should be upheld and that communities need more than 17 days to put regulations in place in preparation for marijuana retailers.

At this point, Mr. Smith remarked that how member communities choose to implement regulations depends on whether they voted for or against recreational marijuana. Mr. Smith explained that the PVPC recommends that communities that voted "no" should pass a general bylaw and a zoning bylaw, both which ban recreational marijuana retailers. However, Mr. Smith commented that communities that voted "no" can also pass a bylaw to approve recreational marijuana establishments and, if they pass such a bylaw, they have the luxury of being able to restrict the number of marijuana establishments allowed in their municipality.

Mr. Smith explained that communities that voted for recreational marijuana can pass a bylaw that prohibits marijuana retailers and these communities can also pass a bylaw that permits an unlimited number of these types of establishments. Mr. Smith further stated that these communities can pass a bylaw that restricts marijuana retailers to a fixed number. However, Mr. Smith explained that if the proposed bylaw restricts retail marijuana establishments to less than 20% of the package store licenses, a community-wide ballot vote will need to be held.

After Mr. Smith concluded his remarks, Mr. Gunn thanked Mr. Smith for this informative update and Mr. Brennan stated that a follow-up memo to the September 22nd memo may be needed once there's more reliable information available. In addition, Mr. Brennan asked Mr. Beaudry to set up a meeting with Senator James Welch in order to flag these issues for Senator Welch since he is a member of the Special Senate Commission on Marijuana.

5. Other Business

Mr. Brennan noted that the next full Commission meeting will be held on December 14th at Hadley Farms Meeting House in Hadley. There being no further business to conduct, Chairman Gunn adjourned the Thursday, October 12th Commission meeting at 7:07 p.m. without objection.

Respectfully Submitted,

Douglas Albertson, Secretary/Clerk
Pioneer Valley Planning Commission

List of Documents and Other Items Distributed at this Meeting:

- Agenda of the Thursday, October 12, 2017 Commission Meeting
- Meeting Minutes of the PVPC's 55th Annual Meeting held on Thursday, June 15, 2017
- PVPC Memo Dated September 22, 2017 from Tim Brennan to Chief Elected Officials and Planning Board Chairs of PVPC Member Communities Regarding Recommended Model Retail Marijuana Moratorium
- Question 4 Ballot Results by Municipalities on Recreational Marijuana