

PIONEER VALLEY PLANNING COMMISSION (PVPC)
Minutes of the Full Commission Meeting Held on Thursday, February 16, 2017
Pioneer Valley Planning Commission
60 Congress Street – 2nd Floor Large Conference Room
Springfield, Massachusetts 01104

Commission Members Present Were:

Douglas Albertson	Alternate Commissioner	Belchertown
Lynn Arnold	Alternate Commissioner	Holland
Hank Barton	Alternate Commissioner	Southampton
Daniel Beaudette	Commissioner	Belchertown
Jesse Belcher-Timme	Commissioner	Easthampton
Marcus J. Boyle	Alternate Commissioner	Hatfield
Mark Cavanaugh	Commissioner	South Hadley
T.J. Cousineau	Commissioner	Blandford
Walter Gunn	Commissioner	Longmeadow
Richard Holzman	Alternate Commissioner	Chester
Linda Leduc	Alternate Commissioner	Palmer
Michael Marciniec	Commissioner	Palmer
Ralph Page	Alternate Commissioner	East Longmeadow
Tracey Plantier	Commissioner	Wilbraham
Lee Pouliot	Alternate Commissioner	Chicopee
Judy Terry	Commissioner	Chesterfield
James Whalen	Commissioner	Wales

Guests Present:

Shawn Collins, Director of Policy & Legislative Affairs, Massachusetts State Treasury
Sarah Kim, General Counsel, Massachusetts State Treasury
State Senator James Welch, Member of the Special Senate Commission on Marijuana

PVPC Staff Present:

Patrick Beaudry, Manager of Public Affairs
Tim Brennan, Executive Director
Paula Delskey, Administrative Assistant
Indrani Kowlessar Gallagher, Executive Assistant/Office Manager
Lori Tanner, Senior Economic Development/Policy Analyst

Communities Not Represented at the February 16, 2017 Commission Meeting Were:

Agawam	Huntington	Southwick
Amherst	Ludlow	Springfield
Brimfield	Middlefield	Tolland
Cummington	Monson	Ware
Goshen	Montgomery	West Springfield
Granby	Northampton	Westfield
Granville	Pelham	Westhampton
Hadley	Plainfield	Williamsburg
Hampden	Russell	Worthington
Holyoke		

1. Chairman's Call to Order, Welcome and Minutes of the Commission Meeting Held on December 8, 2016

The February 16th meeting of the Pioneer Valley Planning Commission (PVPC) was called to order at 5:34 p.m. by Commission Chairman Walter Gunn. Mr. Gunn next called for a motion to address the December 8th Commission meeting minutes.

MOVED BY JUDY TERRY, SECONDED BY JAMES WHALEN, TO APPROVE THE MINUTES OF THE REGULAR COMMISSION MEETING HELD ON THURSDAY, DECEMBER 8, 2016 AS PRESENTED.

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 DECEMBER 8TH REGULAR COMMISSION MEETING WERE APPROVED WITH THREE ABSTENTIONS.

2. Minutes of the Executive Committee Meeting Held on November 17, 2016

Mr. Gunn remarked that the minutes of the November 17th Executive Committee meeting had been previously distributed for information and reference purposes only and he added that Commission members are welcome to attend the next Executive Committee meeting which has been scheduled for Thursday, February 23rd. Mr. Gunn then moved to take up the next agenda item.

3. An Introductory Discussion Focusing on the November 8th Voters Approval of Ballot Question 4 Legalizing Marijuana for Recreational Use and Implications for Cities and Towns as the Statewide Implementation Process Unfolds

Mr. Gunn called on the PVPC's Executive Director Tim Brennan to introduce tonight's Regional Forum and panel members. Mr. Brennan remarked that Commission member Michael Marciniac had suggested that the recently approved ballot question on recreational marijuana is a topic that the PVPC should begin to address, even if all the information is not available at this time. Mr. Brennan then stated that, with the help of the PVPC's Manager of Public Affairs Pat Beaudry, the PVPC invited three panel members to tonight's meeting who would be instrumental in shaping how this new ballot initiative will be implemented. Mr. Brennan stated that tonight's first Regional Forum panel member, State Senator James Welch, served on a Special Senate panel which produced a report last year on the recreational use of marijuana. Mr. Brennan remarked that Senator Welch will provide the State Legislature's perspective from the report. Mr. Brennan noted that joining this Regional Forum panel are Massachusetts State Treasury staff members Shawn Collins, Director of Policy & Legislative Affairs, and Sarah Kim, General Counsel, who will fill in other important details behind the legislation since it is the State Treasurer's office which will have a lead role in implementing this initiative statewide.

At this point, Mr. Brennan welcomed Senator Welch and asked him to begin his opening remarks. Senator Welch stated that, as Mr. Brennan had mentioned, he was part of a Special Senate Commission on Marijuana which was comprised of eight senators who traveled to Colorado in January 2016 to gather information and insights that could be helpful to Massachusetts. Senator Welch explained that the purpose of the Special Commission's trip was to make sure that the Commonwealth was prepared, should the ballot question pass in November of 2016 which it did. Senator Welch explained that Colorado was selected for the Special Senate Commission's site visit because it is the most prominent state to have grappled with the positive and negative issues related to the legalization of recreational marijuana. Senator Welch added that the Special Senate Commission met with all aspects of government, public health, the marijuana industry and consumers in Colorado relative to recreational marijuana and heard their concerns, regrets and success stories.

Senator Welch underscored the different vehicles that Colorado and Massachusetts had used to bring the legalization of recreational marijuana before its respective voters. Specifically, Senator Welch noted that the Colorado bill was passed via a constitutional amendment process. Thus, Senator Welch explained, as soon as this ballot was favorably voted on and the governor had signed it into law. As a result, Colorado legislators, regulators and policy makers had no opportunity to implement changes to the law as it was originally passed. In contrast, Senator Welch explained that Massachusetts passed its recreational marijuana bill not via a constitutional amendment but rather by a basic referendum ballot question. Senator Welch noted, however, that although the State Legislature and Governor Baker have committed to working together to implement the will of the voters, they also want to ensure that it is done properly. Given this, Senator Welch indicated there is an opportunity and ability to change certain aspects of the Massachusetts ballot question, as it was passed by a majority of Massachusetts voters, before a final version of the governing law has been enacted.

Senator Welch noted that the one take away from the Colorado trip was the importance of determining the level of approval that each community should have in determining whether or not a marijuana dispensary could be allowed to be established in their city or town. Senator Welch further stated that another lesson learned from the Colorado trip was the potential

impacts that recreational marijuana could have on the Commonwealth's youth, especially those ages 18 and under. Specifically, Senator Welch noted, once recreational marijuana becomes legalized in Massachusetts, marijuana retailers will be able to put it into products that can be especially appealing to young people, such as gummy bears, cookies and energy drinks.

At this point, Senator Welch asked if there were any specific topics concerning the legalization of recreational marijuana in Massachusetts that Mr. Brennan would like him and his fellow panel members to address. Mr. Brennan asked Senator Welch if he could review the timeline changes that have been made to date regarding the implementation of the law. Senator Welch noted that the deadline for issuing licenses to sell marijuana had been moved from January 1, 2018 to July 1, 2018 and he added that the intent of this six-month delay is to give sufficient time to craft legislation that will help direct the regulations as the process moves forward. In addition, Senator Welch emphasized the importance of having adequate time to enact legislation that will grant municipalities strict local control.

Mr. Brennan noted that there has been a great deal of discussion focused around whether there will be sufficient tax revenue generated at the state and local levels to effectively implement these new regulations. Mr. Brennan asked if this is a concern that the State Legislature plans to address. Senator Welch responded that one point of view expressed by many legislators and local officials is that marijuana sales should be heavily taxed. However, Senator Welch noted that if this is done without caution, sales could be potentially diverted back to the black market. Senator Welch added that one revelation from the trip made out to Colorado was that the revenue generated from marijuana sales during the first year was not enough to cover the additional costs of systems and infrastructure that had to be put in place to effectively manage it.

James Whalen asked whether the Commonwealth has established a methodology for collecting baseline data on current marijuana use by minors so that this information could be compared to relevant data that is gathered five to ten years in the future following the implementation of the law here in Massachusetts. Mr. Collins explained that the recent law that extended the implementation deadline tasked the Massachusetts Department of Health with gathering baseline data on marijuana use and set an aggressive time frame to get it done. However, Mr. Collins explained that no precise methodology was specified in the law as to how to conduct this analysis. Sarah Kim added that this was appropriate since how a study is conducted should not be mandated in legislation.

Mr. Brennan asked Mr. Collins and Ms. Kim to review the State Treasury's role in the implementation of this ballot initiative. Mr. Collins explained that the ballot question placed the regulatory authority for the cannabis control law in the State Treasurer's office. Mr. Collins further commented that once the Treasurer's office was tasked with this assignment, Mr. Collins and Ms. Kim were charged with determining what it would take to simultaneously regulate recreational and medical marijuana across the Commonwealth. Mr. Collins then remarked that the next task is for the State Treasury to assemble a Cannabis Control Commission which will be the body that regulates and oversees recreational marijuana licensure.

Mr. Collins noted that one area of particular concern is the fact that the provisions of the subject ballot question devotes no money to the creation and operation of the Cannabis Control Commission and this lack of funding makes this effort an awkward task. Mr. Collins further explained that he and Ms. Kim are undertaking the building of the Cannabis Control Commission now by determining job descriptions for each of the commission members. At same time, Mr. Collins noted that he and Ms. Kim are thinking about how to prepare regulations that would address how to regulate edibles and other product types. Mr. Collins added that this will require involvement of all levels of government including the Attorney General's office, the Department of Public Health and the Department of Agricultural Resources, among others.

Hank Barton commented that if cities and towns do not get adequate revenue to build sufficient infrastructure, this ballot question legislation could be classified as an unfunded mandate. Ralph Page asked if a city or town could prohibit marijuana establishments from coming into their community under its own local ordinance or bylaw. Mr. Collins stated that if a community wanted to prohibit a certain type of marijuana establishment, a local ballot question would be required. Mr. Collins further explained that another local option would be to limit the number of retail marijuana establishments to 20% of the existing local liquor establishments. Mr. Page observed that the excise tax allowed by communities to collect from marijuana establishments is only 2% which seems very insufficient. Mr. Whalen asked if it would be possible for modified state legislation that would allow communities to charge a tax rate on recreational marijuana that is higher than 2% in order to cover infrastructure expenses which the community incurs. Senator Welch stated that any tax increase will

need to emanate from the House of Representatives and there would need to be consensus supporting such a higher tax rate by both the House and Senate.

Lynn Arnold observed that the language in the legislation states that the Cannabis Control Commission will be responsible for enforcing the laws and regulations regarding the cultivation and delivery of recreational marijuana. Ms. Arnold next asked how the State Treasury plans to carry out this enforcement. Mr. Collins noted that this is an issue that the State Treasury has been struggling with, given the lack of resources. Mr. Collins noted, for example, that in determining the appropriate size of the Cannabis Control Commission, it is not the intent of the State Treasurer's Office to build a large bureaucracy since there may not be sufficient revenue to support such a body over the long term.

Tracey Plantier asked if the Commonwealth has a website in place which posts updates on the progress of implementing the legislation and associated regulations. Mr. Collins stated that the Commonwealth does have such a website which is a good repository of information on the ballot question, the Legislature's approved six-month extension as well as an FAQ section addressing questions from a variety of interested parties including citizens and potential vendors.

At this point, Mr. Brennan announced that the PVPC's plan is to assist its member communities by replicating the process that was used to address medical marijuana. Specifically, Mr. Brennan noted that PVPC Senior Planner Larry Smith, who's been a lead staffer on zoning issues, will convene a workgroup of area planners to develop recommended zoning and other local controls. Mr. Brennan further explained that PVPC staff have already engaged planning staff from Ludlow, Amherst and Easthampton who are interested in participating in this PVPC workgroup. Mr. Brennan underscored, however, that the PVPC does not yet have ample information from the state that is needed in order to draft a model bylaw that cities and towns can reliably use.

There being no more questions or comments for the panelists, Mr. Gunn and Mr. Brennan thanked the panelists for their informative presentation and Mr. Gunn moved to take up the next agenda item.

4. Certification of Local Assessment Payments at a Proposed, Per Capita Rate of .15744¢ for Fiscal Year 2018 Which Would be Applicable to the PVPC's 43 Member Communities

Mr. Gunn reviewed the certification of the local assessment payments for Fiscal Year 2018. Mr. Gunn explained that the per capita rate for the upcoming fiscal year is recommended to increase to .15744¢ per capita. Mr. Gunn then called for a motion to address this agenda item.

MOVED BY LYNN ARNOLD, SECONDED BY JUDY TERRY, TO APPROVE AND CERTIFY THE ANNUAL ASSESSMENTS OF THE PIONEER VALLEY PLANNING COMMISSION'S 43 MEMBER COMMUNITIES FOR FISCAL YEAR 2018, AS OUTLINED IN A REPORT OF THE EXECUTIVE DIRECTOR DATED FEBRUARY 2, 2017, AT A NEW PER CAPITA RATE OF .15744¢, AND WHICH HAVE BEEN CALCULATED BASED ON U.S. CENSUS 2010 POPULATION FIGURES AND ALL RELEVANT PROVISIONS OF THE PLANNING COMMISSION'S STATE ENABLING LAW (I.E. CHAPTER 40 B M.G.L.)

Mr. Gunn asked Mr. Brennan to provide further background information on the increase. Mr. Brennan explained that, until the previous fiscal year, the PVPC had not increased its assessment rate in over 25 years. However, Mr. Brennan remarked that the PVPC's auditors underscored that the amount of local funds needed to be increased and could help address an increasing number of requests for free Local Technical Assistance (LTA) by the PVPC's member communities. However, Mr. Brennan underscored that this increase needs to be held to no more than 2.5% due to the requirements of Proposition 2½.

Mr. Gunn next called for a vote on the subject motion.

THERE BEING NO QUESTIONS OR COMMENTS, THE CERTIFICATION OF THE LOCAL ASSESSMENT PAYMENTS FOR FISCAL YEAR 2018 WAS UNANIMOUSLY APPROVED.

5. Annual Budget Estimates – Fiscal Year 2018 (in accordance with the provisions of Chapter 40B M.G.L., the PVPC’s proposed budget for Fiscal Year 2018 will be introduced at the February 16, 2017 meeting, however, final approval will not be sought until the April Commission meeting to allow ample time for budget review and feedback)

Mr. Gunn asked the Mr. Brennan to give Commission members an overview of the Planning Commission’s Fiscal Year 2018 budget. Mr. Brennan remarked that under the State’s enabling law the PVPC must bring forward its budget for the upcoming fiscal year at its February meeting. Mr. Brennan added that Commission members are being asked at tonight’s meeting to accept the staff budget report. Mr. Brennan next explained that, following this meeting, the proposed FY 2018 budget will be broadly distributed to the Commission members and Alternates of member cities and towns in order to give its member communities ample opportunity to provide feedback before the final vote on the budget is taken up at the April 20th Commission meeting.

Mr. Gunn asked Mr. Brennan if there were any unique or significant changes in the FY 2018 budget from the previous fiscal year. Mr. Brennan stated that the insurance line item has increased because the PVPC has put into place at the Executive Committee’s direction, liability insurance which covers Commission members and staff. Other than this increased expense, Mr. Brennan noted that there have been no major budgetary changes from the current FY 2017 operating budget.

There being no further questions for Mr. Brennan, Mr. Gunn called for a vote to address this agenda item.

MOVED BY MARCUS BOYLE, SECONDED BY T.J. COUSINEAU, TO ACCEPT THE PVPC STAFF REPORT APPLICABLE TO THE COMMISSION’S PROPOSED FISCAL YEAR 2018 PVPC CONSOLIDATED BUDGET WITH THE UNDERSTANDING THAT FINAL BUDGET APPROVAL WILL BE SCHEDULED FOR ACTION BY THE FULL COMMISSION AT ITS APRIL 2017 MEETING FOLLOWING AN EXTENDED PUBLIC REVIEW AND COMMENT PERIOD.

Mr. Gunn next called for a vote on the subject motion.

THE PVPC’S STAFF BUDGET REPORT, APPLICABLE TO FISCAL YEAR 2018, WAS UNANIMOUSLY APPROVED WITH THE UNDERSTANDING THAT FINAL BUDGET APPROVAL WILL BE SCHEDULED FOR ACTION BY THE FULL COMMISSION AT ITS APRIL 2017 MEETING FOLLOWING AN EXTENDED PUBLIC REVIEW AND COMMENT PERIOD.

6. Review, Discussion and Final Endorsement of the Commission’s Top Ten Resolves for 2017

Mr. Gunn asked Mr. Brennan to begin his remarks concerning the Commission’s proposed Top Ten Resolves for 2017 which had been first presented at the December 8th Commission meeting. Mr. Brennan commented that the Top Ten Resolves have been distributed to Commission members, local elected officials, the state legislative delegation and key state level cabinet members. Mr. Brennan noted that the only comment he received on the Resolves came from Ware’s Town Manager Stuart Beckley. Mr. Brennan stated that Mr. Beckley asked if there would be a way to support efforts by local, state and public health officials to resolve the State’s opiate addiction crisis, in addition what the PVPC is already doing. Mr. Brennan explained that the PVPC is currently engaged in data collection on areas of the region that have been impacted by this crisis and he added that the PVPC is investigating ways in which the PVPC’s GIS system could possibly be used to map the extent of this drug epidemic.

There being no questions or comments on this agenda item, Mr. Gunn called for a vote to endorse the PVPC’s Top Ten Resolves for 2017.

MOVED BY HANK BARTON, SECONDED BY JAMES WHALEN, TO APPROVE AND ADOPT IN FINAL FORM, THE PLANNING COMMISSION’S RECOMMENDED TOP TEN RESOLVES FOR CALENDAR YEAR 2017 WHICH WERE INITIALLY PROPOSED AND DISCUSSED BY THE COMMISSION AT ITS DECEMBER 8, 2016 MEETING.

Mr. Gunn called for a vote on the final version of the PVPC’s Top Ten Resolves for 2017 as presented.

THERE BEING NO QUESTIONS OR COMMENTS, THE FINAL VERSION OF THE COMMISSION’S RECOMMENDED TOP TEN RESOLVES FOR 2017 WAS UNANIMOUSLY APPROVED.

7. Brief Update on the Recent Activities of the Commonwealth's Rural Policy Advisory Commission From the PVPC's Representative Judy Terry of Chesterfield

Mr. Gunn asked Judy Terry to begin her update on the activities of the Commonwealth's Rural Policy Advisory Commission. Ms. Terry remarked that the Rural Policy Advisory Commission was established over one year ago without any state funding support. Ms. Terry next explained that one of the issues that the Commission has been challenged by is to determine what a rural community really is in Massachusetts. Specifically, Ms. Terry noted that, although the definition of a rural community is 500 people within one square mile, the reality is that there are Pioneer Valley communities that do not fit neatly into this definition and have widely differing needs.

Ms. Terry remarked that Rural Policy Advisory Commission members were charged by the chair to present five areas of concern for rural communities at the April Rural Policy Advisory Commission meeting. Ms. Terry next commented that Commission members have been challenged by how to best determine these five areas of concern, given that this Commission has an unfunded mandate. Ms. Terry further stated that another issue that the Commission is grappling with is deciding if the Commission should be guided in its efforts by the global issues across the Commonwealth that are referenced in the mission that it's been charged with, or should it be directed by the procedures that are outlined in the legislation.

After Ms. Terry concluded her update, Mr. Gunn thanked her for her informative presentation and he moved to take up the next agenda item.

8. Community Reports/Updates from PVPC Commission Members

Mr. Gunn asked for community updates from Commission members. Mr. Barton stated that the Town of Southampton is in the process of becoming a Green Community. In addition, Mr. Barton remarked that, with the help of PVPC Senior Planner Larry Smith and other PVPC staff, the Town is completely revising its zoning code which has not been undertaken in 40 years. T.J. Cousineau remarked that, with the assistance of the PVPC's Senior Economic Development/Policy Analyst Lori Tanner, the Town of Blandford has been designated as a Green Community. James Whalen noted that he has been working with Ms. Tanner and the Town of Wales' Board of Selectmen to determine where the Town is in the process of its Green Community designation.

9. Executive Director's Highlights

Mr. Gunn asked Mr. Brennan to present his Executive Director's report. Mr. Brennan remarked that the PVPC's CPA audits for FY 2016 have been completed and were presented to the Executive Committee. Mr. Brennan further stated that any Commission members interested in reviewing these reports can pick up copies at tonight's meeting.

Mr. Brennan commented that, at the end of 2016, it was announced that statewide District Local Technical Assistance (DLTA) funding would not be cut from the FY 2017 budget. Mr. Brennan noted that the PVPC did solicit DLTA projects from its member communities and has received at least 30 project requests to date. Mr. Brennan explained that PVPC staff has recently sorted out the planning projects that they will be able to undertake and they are in the process of framing shared services projects.

On the legislative side, Mr. Brennan noted that statewide zoning legislation which has been refiled. Mr. Brennan remarked that this bill is similar to the version that was reviewed and discussed at the April 14, 2016 Commission meeting. Mr. Brennan added that this bill is being sponsored by State Representative Stephen Kulik and State Senator Sarah Peake.

Mr. Brennan announced that the Valley Development Council (VDC) will be meeting next Thursday to revisit the starter home zoning districts regulations which was discussed at the December 8th Commission meeting. Mr. Brennan noted that although the State is still working on these regulations, more specific information on this program will be shared at next week's VDC meeting.

10. Other Business

Mr. Gunn reminded Commission members that the Citizen Planner Training Collaborative (CPTC) Annual Conference will be held on Saturday, March 18th at Holy Cross in Worcester and more information on this conference is available at tonight's meeting. Mr. Brennan announced that the next full Commission meeting is scheduled be held on Thursday, April 20th at Hadley Farms Meeting House in Hadley.

There being no further business to conduct, Mr. Gunn called for a motion to adjourn the Thursday, February 16th Commission meeting.

MOVED BY JUDY TERRY, SECONDED T.J. COUSINEAU, TO ADJOURN THE FEBRUARY 16TH COMMISSION MEETING AT 7:24 P.M. THERE BEING NO FURTHER COMMENTS, THE MOTION WAS UNANIMOUSLY APPROVED.

Respectfully Submitted,

Douglas Albertson, Secretary/Clerk

List of Documents and Other Items Distributed at this Meeting

- Agenda and Suggested Motions for the Thursday, February 16, 2017 Commission Meeting
- Meeting Minutes of the Thursday, December 8, 2016 Commission Meeting
- *The Regulation and Taxation of Marijuana Act: What Municipalities Need to Know* – An Informational Memo from the Massachusetts Municipal Lawyers Association
- Chapter 334 of the Acts of 2016: The Regulation and Taxation of Marijuana Act
- Report Dated February 2, 2017 on the Proposed Annual Assessment of PVPC Member Municipalities for Fiscal Year 2018
- PVPC Proposed Fiscal Year 2018 Commission Budget
- Recommended Top Ten Resolves for 2017
- Handout on 2017 CPTC Annual Conference to be Held Saturday March 18th at Holy Cross in Worcester