

**1-3-13 mins.**

TAUNTON PLANNING BOARD MINUTES

CITY HALL, TAUNTON, MA 02780

Meeting held at Maxham School, 141 Oak St,

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DATE: January 3, 2013

BOARD MEMBERS: Daniel Dermody, Chrmn. Anthony Abreau  
Bob Campbell V.C. Arthur Lopes  
Manuel Spencer, Clerk Joshua Borden  
Michael Ritz

ADVISORS:

Mark Slusarz, City Engineer  
Kevin Scanlon, City Planner

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Roll Call: Borden, Campbell, Abreau, Lopes, Ritz, Spencer and Dermody present. Meeting opens at 5:30 PM. Meeting opens at 5:30

**Election of Officers: Chairman, Vice Chairman & Clerk**

Bob nominates Daniel Dermody for Chairman, seconded by Tony. All in favor.  
Daniel Dermody was unanimously elected Chairman.

Manny nominates Bob Campbell for Vice Chairman, seconded by Tony. All in favor.  
Bob Campbell was unanimously elected Vice Chairman

Josh nominates Manuel Spencer for Clerk, seconded by Tony. All in favor.  
Manuel Spencer was unanimously elected Clerk.

**Public Hearing – Proposed Zoning Change – Add to Section 2.1 – Definitions – Medical Marijuana Treatment Center. Add to Section 5.2 Business and Industrial Use – Special Permit by Municipal Council in an Industrial District. Add Section 7.13 Medical Marijuana Treatment Center Overlay District**

Roll Call: Borden, Campbell, Abreau, Lopes, Ritz, Spencer and Dermody present. Hearing opens at 5:30

Clerk Spencer read public hearing notice. There were no department comments/ City Planner Kevin Scanlon stated he was asked to look into how the City is going to deal with the recently passed medical marijuana law which was approved by the voters in the November election. He provided the Council with a proposal relative to definitions and requiring a Special permit from Council in an Industrial District. However Councilor Medeiros provided a more restrictive overlay district which is also part of this public hearing process. This board must send a recommendation to the Council for their public hearing. The board can choose to adopt all or part of the proposed changes. The overlay district suggested by Councilor Medeiros is the same as the Adult Entertainment. It has to be a certain distance from schools and churches.

If you choose the overlay district there is criteria that addresses hours of operation, number of employees, etc. Kevin stated you can address that at the Special Permit hearing. He stated some might be addressed as a City ordinance. Bob asked how he came with allowing it by SP in Ind. District and Kevin answers they didn't want the effect of it being prohibited. He stated it's similar to the Adult Entertainment which has never been tested. Manny stated he reviewed Section 5.2 thoroughly and also ready Atty. Medeiros's more restrictive proposal. Manny would like to see a more comprehensive part relative to who oversees these permits. He would like to see it regulated by the Police & Licensing Committee, local licensing authority or the Taunton Police licensing authority. Bob asked if we normally have licensing authority in Zoning Ordinance? Kevin answers no. The criteria in Councilor Medeiros's proposal is spelled out in State Law and he doesn't like to re-state the State Law. If the State law changes now you have loop holes.

Kevin stated some issues should be periodically checked and should be a licensing aspect, but the hours of operation can be done in Special Permit. He stated the Board can vote to allow in industrial as a whole or more restrictive with Councilor Medeiros's

proposal. Manny agrees with the City Planner relative to the hours of operation and he thinks this board should just stick to the zoning change aspect of it. He did asked around, and asked different age groups and a surprise to him they all agreed it would be restricted to certain areas. Police Chief Ed Walsh stated he reviewed the proposal and his concern is putting in an Industrial District and not in the Central Business District too. The use is not problematic itself and he doesn't understand why it's only permitted by SP in one district. Kevin stated there are a lot of areas that are zoned Industrial. Kevin stated he was advised by several Councilors to not recommend it in the Central Business District. Bob asked why not in Office District where the hospital is? Manny read the places of if overlay was approved. Manny asked Police Chief if this could be revised? The Police Chief stated the State isn't completed this and he suggests the council may want to choose it being a city ordinance. It was noted the Industrial Parks have their own restrictions and covenants.

Michael made motion to open public input, seconded by Tony. All in favor.

Kit Tunney, Associates for Human Services, 68 Allison Ave. She stated she supports the voters' choice in giving access for medicine with dignity to the people who need it. Her business provides for individuals birth to 3 years of age and elders (adult daycare) and oversees individuals with developmental & intellectually disabilities. She wanted to know what the impact would be if there were one in her area. Police Chief stated he just returned from San Diego and they are there. There is research that shows there is no increase in crime (actually a reduction of crime). He stated the people using this are sick not like the ones who need methadone (addicts) and might do anything to get it. Police Chief stated if you put in centralized location there will be no "stigma" associated with it. Kevin suggests going conservative and he thinks in a few years this use may be a permitted use. Police Chief said he didn't want it to be a head shop and done on a professional level. Ms. Tunney asked if it's ideal to put it where there are children? Police Chief stated that marijuana is not addictive and the people don't have any criminal intent. They would get a 60 day supply from a prescription from doctor.

Tony made motion to close public input, seconded by Arthur. All in favor.

Josh suggested adding a distance to schools and churches? Kevin stated its not justified and won't be upheld in court. There's no unsavory impacts and if appealed won't win. Tony suggested a map showing the 750' radius in the Industrial District. Kevin stated it leaves the interior of Industrial Parks (Myles Standish & Liberty & Union Ind. Pk. ) and small portion of Mozzoze Boulevard.

Bob made motion to send a recommendation to the Municipal Council to adopt the following

**Add to Section 2.1 – Definitions the following definition**

MEDICAL MARIJUANA TREATMENT CENTER – an establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments) transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, for ostensibly medical purposes.

**Add to Section 5.2 Business and Industrial Uses Requirements –**

Medical Marijuana Treatment Center – SP2 in Industrial District and prohibited in all other districts. SP2 means Special Permit Municipal Council.

The Board also voted that the Municipal Council consider adopting a City Ordinance that will license and regulate the operation of said establishments.

Motion seconded by Arthur. All in favor.

**Copy of Application of Chapter 91 Waterways License (Bridge Replacement on Route 140 (Washington St & Over Mill River.**

Bob asked about the width of the bridge. It states shows on plans 71' 9" four (4) lane bridge. Tony stated it's slated for 2014 construction.

Meeting adjourned at 6:17 pm.