

Town of Princeton, MA Planning Board

Meeting Minutes February 16, 2022

Town Hall Annex and GoToMeeting

Board Members present in-person: Ian Catlow (IC), Rud Mason (RM), John Mirick (JM), Tom Sullivan (TS), Alternate Lisa Drexhage (LD)

Board Members present via Go-To-Meeting: Ann Neuburg (AN)

Board Members absent: Alternate Corey Burnham-Howard (CBH)

Public Attendees present in-person: Ronald and Heather LeShane (for public hearing), 1 other public attendee

Public Attendees present via Go-To-Meeting: none

Call to order: 7:35

Public Hearing

The Board held a public hearing on the application of Ronald and Heather LeShane for a special permit for an Accessory Apartment under Section XVII of the Zoning Bylaws for their home at 31 Laurel Lane. They described the project and submitted plans and renderings, and responded to questions from the Board. The project involves converting the basement into a one bedroom apartment, adding a second door into the basement and a window. When completed, the entire house will have approximately 3,140 sq. ft. of living space of which the Accessory Apartment will comprise approximately 810 sq. ft. In addition to the two entryways there will be an internal connection to the rest of the house.

The Accessory Apartment will use the existing well and will tie into the existing septic system which is subject to a "Title 5 Bedroom Count Deed Restriction" limiting the property to 4 bedrooms. There are three bedrooms presently in the house. The Accessory Apartment will have one bedroom.

Access to the house is from Laurel Lane. The Applicants have a three car garage. The plot plan and sketch provided by the Applicants show that there is ample parking for use by the occupants of the Accessory Apartment.

The Board Chair closed the public hearing at 7:50 PM. The Board reviewed the information presented by the Applicants, and the provisions of Section XVII. Because of the logistical issues associated with COVID and the interest of the Applicants in moving forward as quickly as possible, the Board agreed that the Chair should sign the decision on behalf of the Board.

MOTION to Issue Special Permit and Authorize Chair to Sign for Board

Motion: AN; second IC; Vote 5-0

Review and Approve Regular Meeting Minutes of February 2, 2022

MOTION to accept minutes as drafted.

Motion: IC; 2d: AN; Vote: 4-0 (RM abstain - not present at 2/2/22 meeting)

Discussion of Master Plan Steering Committee

The Board discussed the Master Plan Steering Committee. AN has applied to be on the Steering Committee as an outgrowth of her participation in the Housing Production Planning. It was the general feeling of the Board that there should be enough members on the Steering Committee so that there would be one member with responsibility for each section of the Master Plan. It was the general feeling of the Board that the function of the Steering Committee should be to engage as many residents as possible in the review and possible revisions of the Master Plan, rather than to have the Board develop the Master Plan. It was the general feeling of the Board that rather than have a designated liaison from the Board to the Steering Committee, the approach should be to have occasional meetings (no more frequently than quarterly) of the Board and the Steering Committee to discuss the progress of the Steering Committee. JM will discuss with Sherry Patch.

Noise By-Law

The Board discussed briefly the possibility of a noise by-law, a topic suggested by the Select Board. There are limited references to noise levels in the zoning by-laws, generally without any specific decibel levels. The issues raised by the Select Board, and the examples researched and provided by CBH, are more in the nature of general by-laws. It is not clear how a noise by-law would/could be enforced. JM suggested that the approach should be first to decide if Board wanted to suggest any zoning provisions related to noise (new, or amendments to current provisions), and then to decide if Board wanted to suggest any general by-law provisions. Issues will be discussed further when CBH can participate.

Housing Production Planning

AN reported that thus far the returns on the current survey are about half of the returns on the first survey. He is urging residents to complete the survey. JM reported that he was invited to a meeting with Briarwood folks who provided information on what they see as requirements for a senior care community.

Upcoming meeting March 2, 2022

Next Agenda Items

Public Hearing

Proposed zoning by-law amendment for medical marijuana in Business Industrial District

Public Meeting

- Informal discussion with proponents of Community Supported Agriculture Farm
- Administrative Business
 - o Review and approve regular meeting minutes of February 2, 2022
 - o Review any mail
- Consider any ANR plans
- Consider Long-Term Planning Projects:
 - o Town Master Plan
 - o Noise Bylaw
 - o Housing Production Planning

Meeting adjourned at 8:15 p.m.

MOTION to adjourn.

- Motion: IC; 2d: AN; Vote: 5-0.

Respectfully submitted,

John Mirick



TOWN OF PRINCETON

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January 19, 2022

Report to Selectboard on Resident-proposed Zoning By-law Amendments Concerning Commercial Marijuana Uses

On November 15, 2021, the Selectboard voted to refer to the Planning Board resident-proposed zoning by-law amendments concerning commercial marijuana uses in Princeton. The amendments were intended to prohibit commercial cultivation, processing, and/or manufacturing of marijuana in Residential-Agricultural districts, while allowing manufacturing of marijuana in Business-Industrial districts. The resident-proposed zoning by-law amendments are attached.

M.G.L. Ch. 40A sec. 5 requires a selectboard to refer resident-proposed zoning by-law amendments to a planning board for a public hearing within 65 days, and further provides that resident-proposed zoning by-law amendments cannot come to a vote at a town meeting until the planning board has submitted a report and recommendation, or 21 days have passed after the public hearing without the submission of a report and recommendation.

The referral from the Selectboard also asked the Planning Board to include hemp in the prohibition if not covered under Cannabis, and to extend the prohibition to all zoning districts rather than limit it to only Residential-Agricultural districts.

After a series of discussions at Planning Board meetings, and a public hearing on January 5, 2022, the Planning Board submits this report and recommendation. In summary, the Planning Board does not recommend adoption of the resident-proposed zoning by-law amendments. Instead, the Planning Board recommends adoption of alternative zoning by-law amendments proposed by the Planning Board which the Planning Board suggests will accomplish in a more simple and direct manner the intent of the residents to prohibit commercial cultivation, processing, and/or manufacturing of marijuana in Residential-Agricultural districts, and which will extend the prohibition to Business and Business-Industrial districts. The Planning Board-proposed zoning by-law amendments are attached.

After reviewing applicable regulations, statutes, and interpretations published by the Cannabis Control Commission, the Planning Board concluded that the cultivation of hemp is an agricultural activity that is not considered to be the cultivation of marijuana. The Planning Board does not recommend attempting to control the cultivation of hemp through zoning by-laws.

The Planning Board recognizes that some residents feel that commercial marijuana cultivation, processing, and manufacturing should be allowed subject to regulations to address scale and location of operations and with conditions to address potential negative impacts on neighbors. Although such by-law amendments could be drafted, the Planning Board has concerns about the multitude of potential negative impacts from commercial marijuana operations, and the ability of the Town to effectively enforce regulations and conditions intended to address potential negative impacts. The Planning Board feels that these matters deserve discussion at Town Meeting, and that the zoning by-law amendments proposed by the Planning Board are the appropriate vehicle for discussion and decision by the Town on these issues

Background

In 2016, a majority of Princeton voters joined with a majority of Massachusetts voters and approved the referendum legalizing adult recreational use of marijuana. The law allowed municipalities to adopt ordinances or by-laws that addressed marijuana retail establishments, as well as the commercial cultivation, processing, and/or manufacturing of marijuana. Some municipalities followed the statutory procedures to prohibit or regulate marijuana operations. In Princeton, after the creation of the Cannabis Control Commission and the promulgation of state regulations for the cultivation, processing, manufacturing, and sale of marijuana, the Selectboard asked the Planning Board to look into likely issues and make recommendations.

The Planning Board approached that task from a land use viewpoint, not a law enforcement viewpoint. The Planning Board held a series of meetings and discussions on regulating marijuana. Few Princeton residents attended these public meetings. Those residents who did participate were supportive of marijuana in Princeton. In its 2018 report, the Planning Board observed that commercial cultivation of marijuana was a form of agriculture that could be conducted anywhere in Princeton provided that the site and the applicant were licensed by the Cannabis Control Commission. The Planning Board anticipated that there would be practical obstacles to any commercial cultivation of marijuana in Princeton such as growing conditions and resource needs. The Planning Board did recommend, and in May 2019 Town Meeting approved, a zoning by-law amendment to require site plan approval for commercial cultivation of marijuana.

As commercial cultivation of marijuana became more common, in Massachusetts and in other states, issues and concerns surfaced involving indoor and outdoor commercial cultivation of marijuana, and the processing and/or manufacturing of marijuana. Some municipalities have adopted restrictive or prohibitive ordinances and by-laws as a result of those issues and concerns.

Last summer, the Town was approached with a proposal for outdoor commercial marijuana cultivation at the westerly end of Old Colony Road. The proposal involved 100,000 square feet of marijuana plant canopy (about 2 ½ acres) in roughly the center of an 18-acre site, set well back from Old Colony Road. The applicant held a Community Outreach Meeting and also made an informal presentation to the Planning Board.

While the applicant was negotiating with the Selectboard for a Community Host Agreement for the Old Colony Road proposal, the applicant identified another site on Beaman Road for a much larger proposal: at least four outdoor cultivation operations on that site, each of which would have up to 100,000 square feet of marijuana plant canopy, each run by a separate licensed entity. The Beaman Road proposal resulted in immediate, intense, and organized resident opposition.

Proposed Zoning By-Law Amendments

At the Planning Board meeting on November 3, 2021, residents discussed with the Planning Board some aspects of the outdoor marijuana grow operations proposed for Beaman Road as well as the procedures for resident-proposed zoning by-law amendments to prohibit commercial marijuana cultivation. The residents drafted proposed zoning by-law amendments that would, among other things, prohibit any commercial marijuana cultivation, processing, and manufacturing in districts zoned Residential-Agricultural.

The resident-proposed zoning by-law amendments were submitted to the Selectboard. As provided by statute, the Selectboard referred the resident-proposed zoning by-law amendments to the Planning Board for a public hearing, to be followed by a report and recommendation by the Planning Board. The resident-proposed zoning by-law amendments were not received by the Planning Board in time to be placed on the Planning Board's agenda for substantive consideration at the Planning Board meeting on November 18, 2021. To meet the sixty-five day deadline in M.G.L. Ch. 40A sec. 5, the Planning Board tentatively set January 5, 2022 for a public hearing on the resident-proposed zoning amendments.

The resident-proposed zoning by-law amendments spurred extensive discussion by the Planning Board about the general issue of regulation of commercial cultivation, processing, and manufacturing of marijuana, as well as the specific prohibitions proposed by the residents. In addition to the two meetings in November concerning the Beaman Road proposal (which was subsequently withdrawn by the applicant), there were three Planning Board meetings in December concerning proposed zoning by-law amendments. Residents participated extensively in the November and December meetings, both in person and through Go-To-Meeting. The concerns and issues discussed included, but were not limited to: odor from flowering marijuana plants; water use; wastewater; pesticide and fertilizer use; energy use; light pollution; traffic; security; and potential hazards associated with extraction and processing. Residents provided information concerning experiences of other municipalities with both outdoor and indoor grow operations.

The Planning Board considered the resident-proposed zoning by-law amendments, the land use issues raised by those proposed amendments, and the comments from the Selectboard. The resident-proposed zoning by-law amendments, if adopted, would prohibit cultivation, processing, and/or manufacturing only in Residential-Agricultural districts, while specifically allowing manufacturing in Business-Industrial districts. The resident-proposed zoning by-law amendments made no specific reference to Business districts.

After hearing from residents and reviewing information about experiences in other municipalities, the Planning Board concluded that the Planning Board would support the intent of the residents to prohibit commercial cultivation, processing, and/or manufacturing of marijuana in Residential-Agricultural districts. However, the Planning Board concluded that the prohibition intended by the resident-proposed zoning by-law amendment for Residential-Agricultural districts could be more successfully achieved through a clear and simple paragraph prohibiting commercial cultivation, processing, and/or manufacturing of marijuana in Residential-Agricultural districts. The Planning Board drafted such an alternative proposed zoning by-law amendment.

For Business districts, and Business-Industrial districts, the Planning Board initially discussed zoning by-law amendments that would regulate rather than prohibit altogether commercial cultivation, processing, and/or manufacturing, such as limiting commercial cultivation to indoor cultivation of not more than 5,000 square feet of canopy, and limiting processing and/or manufacturing to marijuana grown on site in such indoor facilities. Operations on that limited scale would be somewhat analogous to other small businesses in Princeton, although cultivation, processing, and/or manufacturing of marijuana raises different regulatory issues and different potential nuisance impacts. Members of the Planning Board expressed concerns about the capability of our small town to effectively enforce regulations and conditions.

Ultimately, the Planning Board concluded that Town Meeting should have an opportunity to consider the prohibition of commercial marijuana cultivation, processing, and/or manufacturing in all three zoning districts. As an alternative to the resident-proposed zoning by-law amendment that would allow manufacturing in Business-Industrial districts, the Planning Board drafted proposed zoning by-law amendments for Business and Business-Industrial districts that replicated the clear and simple prohibition proposed by the Planning Board for Residential-Agricultural districts.

Public Hearing

On Wednesday January 5, 2022 at 7:30 p.m., in the Town Hall Annex and virtually via Go-To-Meeting, the Planning Board held a public hearing on both the resident-proposed zoning by-law amendments and the Planning Board-proposed zoning by-law amendments. More than thirty residents participated with comments and suggestions, asked questions, and expressed a variety of views.

At the public hearing, there was much support for prohibiting completely the commercial cultivation, processing, and/or manufacturing of marijuana in Princeton by adopting the three zoning by-law amendments proposed by the Planning Board. Many of the comments and observations made by residents at the five meetings of the Planning Board in November and December were repeated at

the public hearing. There were comments favoring the Planning Board-proposed zoning by-law amendments over the resident-proposed zoning by-law amendments.

Also at the public hearing, some residents expressed concern over the precedent of prohibiting one type of agriculture, and the possible contradiction between Princeton's "right to farm" by-law adopted in 2007 and zoning by-law amendments that would prohibit the commercial cultivation of marijuana. Some residents suggested that instead of prohibiting all commercial cultivation, processing, and manufacturing, Princeton should consider regulating the location and scale of commercial marijuana cultivation, processing, and manufacturing, with conditions to minimize potential negative impacts on neighbors.

Recommendation

Instead of the zoning by-law amendments proposed by the residents, the Planning Board recommends that the three zoning by-law amendments proposed by the Planning Board be placed on the warrant for the next Town Meeting. The Planning Board believes that with a separate amendment proposed for each zoning district, residents can more easily understand the issues and more effectively express their views at Town Meeting.

If the Town voters decide against prohibiting completely the commercial cultivation, processing, and manufacturing of marijuana, or decide that the prohibition should not apply to all zoning districts, the Planning Board can be guided by the comments at Town Meeting and work on drafting amendments to regulate the commercial cultivation, processing, and manufacturing of marijuana with conditions to minimize the potential negative impact on neighbors.