



TOWN OF WESTPORT
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PLANNING BOARD

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PLANNING BOARD MEETING MINUTES

November 8, 2017

Chairman James T. Whitin called the meeting to order 6:00 p.m. with Clerk Marc De Rego, Member David Cole, Member Andrew Sousa, Member Robert Daylor and Town Planner James Hartnett in attendance.

De Rego motioned to take the Appointments out of agenda order. Cole seconded the motion and the vote was unanimous with all in favor.

Appointment to Community Preservation Committee.

Cole motioned to nominate De Rego for the Community Preservation Committee. Sousa seconded the motion and the vote was unanimous with all in favor.

Public Information Meeting on Recreational Marijuana

Presentation of general info on the planning process and regulations relating to recreational marijuana.

Comments on siting requirements and general issues were solicited from local elected officials and members of the community.

Attorney Brian Riley from KP Law was present for the meeting. Whitin opened the meeting by reading the following into the record:

“On the November 2016 state election ballot, Westport Voters approved Question 4, 52.8% in favor and 47.2% opposed, to allow the non-medical (recreational) use of marijuana by adults in Massachusetts. On July 28, 2017, Governor Baker signed the General Court’s revised law on the subject “An Act to Ensure Safe Access to Marijuana” making numerous changes to the laws that were approved by the voters.

The timeline to develop zoning bylaws to regulate the various uses associated with recreational marijuana or consider prohibiting or limiting the use is very short. This process must be completed within the next 4-6 months.

The Planning Board is holding this public participation meeting tonight to solicit input from elected officials and members of the community.”

Hartnett reviewed the recreational marijuana planning process. Issues to be considered were: rules and regulations for recreational marijuana; an overview of what operation of a retail facility would be like if it were in Westport; appearance of the building; potential location areas; when and where recreational use would be permitted; and where and how it could be regulated. He reviewed the similarities and the differences between a medical marijuana facility and a recreational retail facility. Hartnett discussed the considerations for cultivation, craft cultivation, product manufacturing, onsite consumption and the possible delivery/transportation of marijuana.

Whitin questioned the amount of tax allowed in addition to required state taxes. Attorney Riley stated a maximum 3% retail sales tax is permitted in addition to state required taxes. Riley opined that vendors would not be able to serve patrons in an “on site” situation. Whitin questioned if “craft cultivation” would be permitted in non-commercial areas. Riley opined that the Town would be able to regulate the craft cultivation through zoning. De Rego questioned if a private event would be able to hire a marijuana provider privately, without charging a fee to the patrons attending the private event, much like a bar service at a private event. Riley opined that the Cannabis Commission would have to provide a license to a “catering type” company for that to be permitted, much like a bar service has a particular license to serve liquor on site at a private event. Sousa questioned if the Cannabis Commission would be setting the prices for marijuana and related products. Riley stated that the prices

would likely be set by the vendors based on supply and demand. Riley then discussed how the Town is able to limit the number of recreational retail facilities.

Wayne Sunderland spoke in opposition to recreational marijuana, citing numerous news articles that describe robbery and marijuana “candy” being sold to minors. Sunderland is concerned for a rise in crime rate and dangers to the youth and the public in general.

Conrad Feininger spoke in favor of recreational marijuana. Feininger stated that recreational marijuana could be regulated as easily as liquor.

Constance Gee spoke in favor of recreational marijuana. Gee opined that there are many misconceptions with the use of marijuana, and stated that it can be regulated and controlled easily. Gee stated that she wants the retail facility to be a “model” facility; a clean, well lit establishment, in a safe area that Westport could be proud of.

Chris Wiley spoke in favor of recreational marijuana. Wiley spoke about prescription opioid use and the abuse of opioids. Wiley stated that marijuana could be a much safer alternative for pain relief over prescription or illegal opioids. She stated that the legalization of recreational marijuana has caused a decrease in opioid related deaths.

Walter Barnes spoke in opposition of recreational marijuana. Barnes cited numerous articles, including “The Legalization of MJ in Colorado- Volume 4”. Barnes stated that marijuana is a schedule one drug as classified by the government. He stated that the number of driving fatalities would increase and the crime rate would also increase. He noted his concern over synthetics being introduced to infants and toddlers. Barnes suggested that the “Volume 4” be linked to the Town of Westport's Website. De Rego opposed linking any anti marijuana articles to the Town website.

Brenda Figerido spoke in favor of recreational marijuana. She asked if the growing of marijuana is permitted under the “right to farm” status of the Town. Whitin stated that no, it is not allowed, as of right. Attorney Riley discussed some of the laws pertaining to the status.

Shana Shufelt, Westport Select Board member, was present. Shufelt discussed the end date of the moratorium which is June 30, 2018. She discussed the limiting of the number of licenses and the time frame in relation to town meeting. Riley explained the timelines for filing applications and Town Meeting deadlines. Discussion ensued. Whitin stated that the Town needs to take action and either have a by-law in place or extend the moratorium to December 31, 2018.

R. Michael Sullivan, member of the Westport Board of Selectmen, was present. Sullivan spoke in opposition of recreational marijuana. Sullivan noted the issues with the timeline for enacting a by-law before the end of the current moratorium. “Host Community Agreements” and payments were discussed.

Brian Valcourt, member of the Westport Board of Selectmen, was present. Valcourt spoke in favor of recreational marijuana, opining that the crime rate would not rise and there would be no additional dangers to children and minors with the regulated approval of the recreational use for adults. Valcourt spoke of the benefits of marijuana use over the use of opioids. Valcourt spoke of the opioid epidemic and then stated that hundreds of thousands of studies have proven that marijuana is not psychedelically addictive.

Daylor questioned if the effective date of the zoning by-law was retroactive to the date of the public notice. The effective date is the date Town Meeting votes on a by-law. Extending the moratorium was discussed.

ADJOURNMENT

Members unanimously voted to adjourn at 7:45 p.m.

Respectfully submitted,
Joan Steadman, Recording Clerk