



Town of Barnstable Planning Board

www.town.barnstable.ma.us/PlanningBoard



Board Members

Mary Barry – Chair Stephen Helman – Vice Chair Steven Costello - Clerk Paul R. Curley Fred LaSelva Jeffrey Swartz Patrick Foran

John Norman – Town Council Liaison

Planning & Development Dept. Staff Support

Elizabeth Jenkins, AICP, Director

Paul Wackrow, Principal Planner

Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

Town of Barnstable PLANNING BOARD Minutes June 25, 2018

Mary Barry – Chairman	Present
Stephen Helman – Vice Chairman	Present
Steven Costello - Clerk	Present
Paul Curley	Present
Fred LaSelva	Present
Jeffrey Swartz	Present
Patrick Foran	Present

Also in attendance were Elizabeth Jenkins, Director, Paul Wackrow, Principal Planner and Karen Herrand, Principal Assistant, Planning & Development Dept.

Notice of Recording: This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

Note: Ellen Taylor Brown of Cotuit is taping this meeting.

Regulatory Agreements:

Big Pink, LP seeks to enter into a Regulatory Agreement with the Town of Barnstable – to create a 3 unit apartment building and request zoning relief for density and parking. The subject property is addressed 49 Elm Avenue, Hyannis, MA and is shown on Assessor's Map 327 Parcel 075. The Property is located in the HVB District - Hyannis Village Business District. *Continued from April 30, 2018, May 14, 2018, and June 11, 2018.*

Attorney Anthony Mazzeo in attendance. Applicant Jeff Lyons in attendance.
Attorney Mazzeo gives a recap of the previous/history of the last meeting.

Chair Mary Barry asks for any public comment - None.

Chair Mary Barry entertains a motion to close the Public Hearing, moved by Paul Curley, seconded by Jeff Swartz, so voted unanimously.

Chair Mary Barry states that this is in the Town's Legal Dept. right now.

Chair Mary Barry entertains a motion to continue this Regulatory Agreement for legal review based on their findings.

Elizabeth Jenkins interjects that it is best to have language in the contract done before a vote taken.

Chair Mary Barry entertains a motion to continue to the next meeting/hearing, seconded by Paul Curley, so voted unanimously.

Seashore Homes, Inc. seeks to enter into a Regulatory Agreement with the Town of Barnstable to construct two residential structures with a total of eight units with a total floor area of 6,448 square feet at 185 Ridgewood Avenue, Hyannis. The property is zoned SF – Single Family District and WP - Well Protection Overlay District and is shown on Assessor's Map 328 as Parcel 226. The application requests zoning relief for use and density, setbacks, and landscaping. The application also seeks lot size and lot coverage relief specifically related to the abutting lot at 195 Ridgewood Ave, shown on Assessor's Map 328 as Parcel 073, if required due to a merger with 185 Ridgewood. 195 Ridgewood is zoned HG – Hyannis Gateway District and WP - Well Protection Overlay District. *Continued from May 14, 2018, and June 11, 2018.*

Attorney Phil Boudreau in attendance. Applicant Dennis Mason in attendance.
Attorney Boudreau states that this is in final, with some changes regarding water and sewer.

Discussion re the changes for water and sewer and some editorial changes.

Chair Mary Barry entertains a motion to recommend the execution of this regulatory agreement as written, moved by Stephen Helman, seconded by Paul Curley, so voted unanimously.

Zoning Amendments:

2018-163 – Amending the Code of the Town of Barnstable, Part I General Ordinances, Chapter 240 Zoning to Create a Cannabis Overlay District-A and Cannabis Overlay District-B and District Regulations for Establishing and Operating Registered Recreational Marijuana Dispensaries.

2018-159 – Amending the Zoning Ordinance to Prohibit Non-Medical Marijuana in All Zoning Districts within the Town of Barnstable.

Chair Mary Barry entertains a motion to open the Public Hearing, moved by Stephen, Helman, seconded by Paul Curley, so vote unanimously.

2018-163 – Town Councilor Jen Cullum in attendance. Town Councilor, Britt Beedenbender in attendance. Town Councilor Paula Schnepf in attendance.

Jen Cullum, Precinct 13, gives a history of how the vote worked for this matter. She wants to be a part of framing how this is implemented. People in her precinct voted for it. Taxing and regulating will take one more person out of the illegal part of it, i. e., drug dealer. Many medicinal aspects as well as a need for. This could also create some jobs, ease geriatric pain etc. Our decision is about how citizens want to approach this, it is already legal in the state of Mass. Would like reason and common sense applied to this decision.

Town Councilor, Britt Beedenbender, Precinct 4. She states that we are now responsible to place a safe market/environment. New money. An outright ban would be hypocritical. Need regulation. Why

would we ban a regulated business? Medicinal marijuana are over the age of 65, there is a stigma. And government database that people don't want to be on.

Recreational, stigma as well. People can/need to be able to choose.

Strategic plan: finance – aggressively pursue dollars. She has submitted a report today, Exhibit A. This is the fastest growing industry - economic development, adult use offers year round jobs/work.

To protect and promote. We can control use/safety – Report entitled: "SOCIAL IMPACTS OF CANNABIS Dispensaries/retailers". Barnstable Police are concerned with traffic safety. She quotes from another study regarding traffic safety/fatalities and statistics. Police need to work with schools to implement whatever is necessary in the Town. Canada has made it legal, the whole country. This is a legalized product, we need to zone appropriately. The stigma needs to stop.

Town Councilor Paula Schnepf, Precinct 12. Focus on the proposed areas - She refers to the map with the green (overlay area) and the purple areas, Exhibit B. Cultivation, indoor activity, product manufacture, research and lab testing. Smaller zone is non retail: this is next to the Transfer Station, the uses would only be permitted in this area. She echoes the concerns we all have for any substances and under the age of 21. She thinks early access to cigarettes, alcohol etc. can lead to other drugs. Would like prevention in early access of youth.

Britt Beedenbender, if allowed for retail this does not allow kids/make it accessible. Another important point, re districts for retail, whatever the business may be, there is a 500 ft. buffer around any school, day care, this is part of the state mandate as well.

Jen Cullum states that this ordinance only pertains to retail and the time for closing retail should be kept in mind.

Chair Mary Barry clarifies that the Planning Board's role in this is to recommend to Town Council or not.

Jeff Swartz asks about money/revenue/taxes and how this would work for the town.

Britt Beedenbender replies that they have discussed with Town Manager/as a point of reference.

Fred LaSelva asks for clarification re Colorado's statistics/Eagle Colorado, this is a wealthy community. He is not convinced that the wealth and the comparison are similar to us. The demographics don't line up.

Britt Beedenbender replies that you can be assured that there will be revenue through growth and jobs. A vast array of such, these are direct benefits to the Town.

Paul Curley comments about the medical marijuana availability in the area for seniors.

Jen Cullum replies that the ordinance would do away with medicinal marijuana, no card. People will go to other Towns. There will be no need for medicinal if we have dispensaries.

Paul Wackrow clarifies that there is no medicinal right now, TC Item 163 would be rolled into the new COD A overlay district. Those establishments could be developed in the COD A. TC Item 159 wouldn't change the current zoning.

Stephen Helman asks what drug counselors have had to say about this?

Britt Beedenbender has spoken with two counselors, they had found that they had used to wean people off of their opioid use, it's new. The Federal law makes it difficult.

Jen Cullum states that she sat on the Substance Abuse Board. We spend less than 1 cent on every dollar for prevention and help with substance abuse. Having a responsible way to deal with this. Youth will be confronted with all drugs that are available.

Stephen Helman clarifies that the majority in Barnstable are against this. The state yes, but not here in Barnstable. He has an obligation to represent Barnstable.

Steven Costello asks about the licenses, 3 retail? Growers/manufacturers? How do they factor in?

Paul Wackrow answers that the proposal is written: 3 establishments allowed in COD A - No limitation on the number of other/no cap in other places.

Steven Costello asks if research has been done re uses for foods, array of products that are driven from cannabis, any percentage other than smoking. Smoking is scary to some people.

Britt Beedenbender replies so many ways to use it, variety. People in the industry, edibles are the main drive, biggest percentage of their business. Tablets also being used for seniors like the edibles from what she's been told. She states that she has fibromyalgia. She has used medicinal grade to get off of tramadol. She has been to 3 different dispensaries, Mashpee, Millford.

Patrick Foran comments that - under Federal Law - banks won't recognize, how will the revenue dollars actually come in, only cash business? Not sure ready to make this step yet.

Britt Beedenbender states that this is in the process now, it is a concern. There are some cash businesses in town. This is something that will have to be flushed out.

Paula Schnepf explains that this is to create a business, allows for small proprietors to get into business.

Chair Mary Barry asks if any public comment for TC Item No. 2018-159.

Town Councilor Matt Leveque, Precinct 10, in attendance. He thinks it's naïve to think that it will stop being sold, a market change would be to those who could no longer buy, children. All of the consumption/food/this is a target market. He asked certain people involved with youth, drug counseling/counselors. A lot of children have parents that use/abuse drugs. He's involved with youth. The Barnstable Police Dept. is against it. First responders are against it. It handcuffs them from doing their job. Second hand smoke is extremely pungent. Smoking in itself is a stigma. Medicinal marijuana – believes there are products that will serve this purpose. It does help with pain and some other medical purposes. Freetown will be growing a lot of marijuana for research and development. It's too expensive to build a facility here/Barnstable. The way to make money is the retail part of it. Not federally mandated. Why don't we wait and see what happens in other communities? Barnstable voted 52% against. He reads a message from Deputy Chief Steve Xairhos. He is against the Overlay District.

Jeff Swartz comments that the Town has a mission. The prohibition would be the smarter way to go.

Matt Levesque comments that it is cheap to produce. Freetown did prohibit the recreational sale and medicinal sale.

Adam Hanson, former EMT. He states that he has not once treated a marijuana overdose. He thinks that alcohol is much worse. There is a stigma with this. Users should not be judged. Prohibiting will guarantee unsafe products and no taxes paid either. Need to be safe. Need economics. A ban will only strengthen the black market.

Richard Elrick, former energy coordinator in attendance. Prohibition will and has failed in other communities. Economics 750, 000 to a million a year for annual and at least 30 jobs, cultivation possibly. Cannabis has allowed others to be freed of the more dangerous drugs, i.e., alcohol, opioids.

Zoning comments – current zoning is sufficient. It works for our liquor, restaurants and pharmacies, not a single study that would suggest that it is more toxic than other drugs. Only 3 stores allowed, he would like to see 4. Retail shouldn't be less than what the alcohol stores have. Prohibition will only continue to make black market flourish or go to other communities taking our money.

Adam Higgins, lives in Precinct 10. He is in support. He uses medicinal marijuana. He has a medical card \$250 a year. His life has greatly improved with medicinal marijuana.

Scott Rudy, Osterville. He works for a medical marijuana company. His company was prepared to put money into this town. Lost substantial sums of money where they were denied putting a facility here in the past. Encourages this and is in support.

Ellen Taylor Brown, Cotuit – Barnstable High graduate. She is in support. Has worked at a dispensary in the past. Teacher/educator re the facts of nutritional effects and cannabis. The government owns a patent on cannabis, No. 6630507. She mentions the movie "Heroin USA" and asks if people have seen it. We have been hit the hardest. Opiates are killing people, heroin is, not marijuana. She is in support. Barnstable has a huge alcohol and opiate problem.

Beth Waterfall in attendance. Thinks 4 licenses for establishing retail would work. Non profit organization that focuses on education. Since 2016 other states legalizing. Politicians also. She is in support. There is a lot of stigma that is holding people back and keeping them from using something that could help them with pain.

Deb Krau, Hyannis resident and Greater Hyannis Civic Assoc. They are against this overlay district, a partial division of precincts. Right now don't have a formal vote. Amend No. 163 – COD A. Why in Hyannis? Hyannis water district in COD A, how much town owned land will town allow. COD B – how attractive will be – permits for Hyannis. Section C – all non profit entities? States they are. Hyannis Civic Association is against new non profits in Hyannis. Section D – limits to 3, but no other component, how many others. Sub section A – how are annual licenses be inspected? Section D – Host community agreement – Section H – landscaping medical dispensaries allowed in B. Section J – signage, large signs? Groundwater? Not all sewered. Solid waste system handling of bi products? Section F23 – who defines the sections? Another village should be used.

Barnstable Police Officer John Murphy, resident of Marstons Mills. Stay focused on the licensing/regulating on sale of retail marijuana. Black market will always be here, retail or not. Drug importers are making money. It will be here weather legalize or not. No legal test for law enforcement to see if effected by marijuana. Edibles can't tell at all. Do we want it to be part of our community? Aside from Medical marijuana it has not made the law enforcement job any easier. Does Barnstable want this here, Barnstable Police Dept. does not. Other Cape communities, how and what mistakes have been made.

Peg Haskell, Centerville. Trinity Christian Academy of Cape Cod. She has a statement: Serious concerns as it relates to rezoning overlay in Independance Park, relocated on Mary Dunn Rd. approx 160 students, and faculty/staff, 114 people commuting daily. Independance cannot be categorized, a lot of housing being put up here. Carriage House Apartment, 55 plus 140 residents, these 3 developments and this will impact all these people in proximity of marijuana use. Bike trail, churches,

all a significant number of families with children. Research other states and the facilities. The increased law enforcement all outweigh any revenue. What may be lawful may not be beneficial.

Moira Bundshuh, parent and teacher in the district. Concerned with the location for COD A. Independence Way has a lot of families here. Concerns that this will be more traffic issues and timing, primary buses are in the area as well. The overlay literally abuts that school and includes the new housing development.

John Julius in attendance, Hyannis resident. He is in opposition. The Town of Barnstable voted no. Revenue concerns with extra law enforcement costs. Creation of jobs, cant fill jobs now? Why not wait to see what happens with the other communities first. There is a lot to consider.

Tim MacNamara in attendance, resident of Sandwich. He is co owner of Holistic Health Group, not on Cape Cod. There isn't any place here for these businesses to locate. It will be a path for skilled jobs, a lot of research for this field. It is unfortunate that won't happen here on the Cape. This is a 1.2 billion dollar industry. There is a bank now that works with the industry. The regulations are very stringent for all of inventory. These buildings will be highly secured facilities. It's difficult to get this industry here.

Randall McCaffrie, Cannabis research company. Need more research for a lot of aspects. This is predicted to be the fastest growing industry. If not here, the other Town's will make the revenue. Sentry bank is covering financial aspects. Small businesses will lose. Zoning standpoint: Summerville, there R & D's are downtown. You wouldn't know they are even there.

Dr. Marion McNabb, co founder of Research Advocacy Group. The State has a lot of guidance with youth prevention. Massachusetts and the Cape have a very bad opioid problem/epidemic. Trying to use cannabis as a treatment. The opioid epidemic is increasing, needs new interventions. Important to keep medical and recreation different. Use tax money from retail to reinvest. State launching a research agenda.

Jim Gregory, Centerville resident. He has no financial interest for this. He is opposed to the retail sales. He would like to note that he is in support of further medical research, he would support medicinal information. For him cannabis was mind altering, intoxicating and was a gateway for seeking other drugs, which led him to addictive behavior. Impaired driving did result.

Chris Gagney, Freetown resident. Works for Cannabis research company. He has not found anything regarding youth issues. Need to address all aspects, views of all drugs, alcohol as well.

Laura Cronin, Hyannis resident. She is in favor of TC Item No. 159 and against TC Item No. 163 ZA. We can control this, the marijuana, one area, we didn't have any say in the needle give away per the state. The smoke, second hand is here, ongoing. Not to having it in Hyannis.

John Norman, Marstons Mills resident. There are over a hundred communities that have already enacted a ban. Town Council has final say. Three councilors that have sponsored, none of these are in their precincts. You can revisit the ban. If allow overlay district, you cannot change. Encourages to vote for the ban and down for the overlay district. He is pro for TC Item No. 159 – ZA the prohibition/ban.

Rebecca Manard, West Barnstable resident. She is pro. Allowing recreational marijuana would be a safer way. The vetting process by Cannabis Commission would insure qualified personel. Quotes from study for adolescents, Colorado survey.

Chair Mary Barry entertains a motion to continue both Public Hearings to July 9, 2018, moved by Steven Costello, seconded by Stephen Helman, so voted by to continue.
Fred LaSelva is a no vote. The motion passes.

Town Attorney Ruth Weil in attendance – confirms that the Planning Board is continuing the Public Hearing for both of these Zoning Amendments, 2018-159 and 2018-163.

Town Councilor Jim Crocker in attendance. He gives the Planning Board the Town Council timeline.

Election of Officers Election of Chair, Vice Chair and Clerk

Stephen Helman states per the Nominating Committee: nominate Mary Barry for Chair, Stephen Helman for Vice Chair, and Steven Costello for Clerk.

Motion made by Stephen Helman to elect Mary Barry for Chair, Stephen Helman for Vice Chair, and Steven Costello for Clerk, moved by Paul Curley.
Fred LaSelva is a no vote. The motion passes.

Motion entertained by Chair Mary Barry to adjourn, moved by Paul Curley, seconded by Steven Costello, so voted unanimously.

Correspondence:

Chapter 91 Notice – 624 Popponessett Rd, Cotuit – Embree – construct timber stairs, landing & pier
Chapter 91 Notice – 45 Hornbeam Lane, Centerville River – construct timber stairs, tend float structure

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: Regularly Scheduled Meetings: July 9 and July 23, 2018, @ 7:00 PM.

The meeting adjourned at 9:55 p.m.

Respectfully Submitted _____

By Karen Herrand, Principal Assistant, Planning Board

Approved by vote of the Board on _____

Further detail may be obtained by viewing the video via Channel 18 on demand at <http://www.town.barnstable.ma.us>

LIST OF EXHIBIT DOCUMENTS

Exhibit A –ZA 2018-159 & 2018-163 – “*Societal Impacts of Cannabis Dispensaries/Retailers*”
Exhibit B – ZA 2018-163 – Proposed Cannabis Overlay District Draft Map