



Planning Board Meeting Agenda

Time: 6:00p.m.

Date: March 8, 2021

Location: Meeting to be held Remotely via GoToMeeting

1. Agenda Packet - March 8, 2021

Documents:

[NOTICE OF PUBLIC HEARING PEPPERELL PLANNING BOARD MARCH 8 2021
AMENDING RECREATIONAL MARIJUANA BYLAW.PDF](#)
[PLANNING BOARD REPORT ON RECREATIONAL MARIJUANA BYLAW
AMENDMENT REVISED 2-26-21 ASM EDITS \(1\).PDF](#)

2. Call To Order

3. 6:00P.M. - Public Hearing - Recreational Marijuana Zoning Bylaw Amendment - Proposed Amendments To Section 6600 Of The Zoning Bylaw, Adult Use Recreational Marijuana Establishments. The Proposed Amendments Would Revise Subsection 6640(5a) And Section 6650 To Set The Limit On The Number Of Marijuana Retailers At A Maximum Of Two Establishments.

4. Reports/Correspondence/Discussion

(Matters may arise that the chair didn't reasonably anticipate)

5. Future Meetings

a. March 15, 2021

b. April 5, 2021



Town of Pepperell Planning Board

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978-433-0336 Phone

NOTICE OF PUBLIC HEARING **TOWN OF PEPPERELL**

RECREATIONAL MARIJUANA ZONING BYLAW AMENDMENT

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 5, the Pepperell Planning Board will hold a public hearing on Monday, March 8, 2021 at 6:00PM on proposed amendments to Section 6600 of the Zoning Bylaw, Adult Use Recreational Marijuana Establishments. The proposed amendments would revise subsection 6640.5a) and section 6650 to set the limit on the number of marijuana retailers at a maximum of two establishments. The public hearing will be held remotely, the link for the meeting is:

<https://global.gotomeeting.com/join/718992749> or by dial in, 1 (408) 650-3123. The access code for the meeting is: 718-992-749. All interested parties are invited to remotely attend the public hearing and provide oral and/or written comments to the Planning Board. Written comments must be submitted on or before March 3, 2021. The proposed bylaw amendments may be reviewed on the Town's website at <https://town.pepperell.ma.us/424/Zoning-Articles>

PEPPERELL PLANNING BOARD

To publish in the Nashoba Valley Voice on February 19, 2021 and February 26, 2021

Planning Board Report & Recommendation to Town Meeting

Recreational Marijuana Zoning Bylaw Amendment

This report and recommendation to Town Meeting is required by State Zoning Law. In order to comply with the provisions of Massachusetts General Laws, Chapter 40a. Section 5, the Pepperell Planning Board conducted a Public Hearing to amend Section 6600 of the Zoning Bylaw, Adult Use Recreational Marijuana. The hearing was opened and closed on Monday March 8, 2021.

In 2019, at the Pepperell Spring Town Meeting, two-thirds of attendees voted in favor of Article 16 to amend the Pepperell Zoning bylaw to allow for Adult Use Recreational Establishments within certain zoning districts and subject to the receipt of a Planning Board Special Permit. Subsection 6640.5 of the regulation states that “the number of Marijuana Establishments shall not exceed twenty percent (20 %) of the number of alcohol licenses pursuant to M.G.L. c. 138 Section 15 for retail sales of alcohol not be drunk on the premises in the Town of Pepperell , said 20% figure to be rounded up to the whole number.” Following the adoption of this bylaw, there was some confusion as to whether this reference in the bylaw referred to the number of operating liquor /package stores in the town of Pepperell (3), or whether it refers to the number of liquor licenses that the town could issue based upon its population (8).

To clarify this section of the bylaw, the Planning Board held a public hearing to review an amendment to the bylaw. The amendment would delete Subsection 6640.5 a. “Consistent with M.G.L. c. 94G, §3(b) (2), the maximum number of Marijuana Establishments in the Town of Pepperell shall be limited as follows: the number of Marijuana Retailers shall not exceed twenty percent (20%) of the number of alcohol licenses issued pursuant to M.G.L. c. 138, §15 for retail sale of alcohol not to be drunk on the premises in the Town of Pepperell, said 20% figure to be rounded up to the next whole number” and replaced it with the following: “The number of Marijuana Retailers shall not exceed two”.

Additionally, in Section 6650 – Application Requirements, the third sentence shall be revised to delete “in an amount up to, but not exceeding 20% of the number of licenses issued within the Town pursuant to M.G.L. c. 138, §15 for the retail sale of alcoholic beverages not to be drunk on the premises,” and replaced with “two.”

The rationale behind this amendment is that the existing wording is confusing and that tying the number of Marijuana Retail Establishments to the number of liquor licenses is arbitrary and leaves the number of Marijuana Retailers open ended since the number of liquor licenses can be increased. Replacing this sentence with the number two fixes the number of Marijuana Retailers to a set number (2) which can only be varied through town meeting approval.

The Planning Board deliberated on the proposed bylaw amendment at the March 8, 2021 Planning Board meeting, on the motion of XXX and seconded by XXXX, **the Planning Board recommends APPROVAL of Article One as proposed.**