



Planning Board – Town of Spencer

Minutes

Planning Board Meeting

Tuesday, April 4, 2017 at 7:00 PM

McCourt Social Hall, 157 Main Street Spencer, MA 01562
Memorial Town Hall

Planning Board Members Present: Chair Robert Ceppi, Maria Reed and Shirley Shiver

Planning Board Members Absent: Jonathan Viner

Staff Present: Paul Dell'Aquila, Town Planner

Staff Absent: Monica Santerre-Gervais, ODIS Clerk

1) Mr. Ceppi opens the meeting at 7:04pm.

2) Public Hearing – Proposed Recreational Marijuana Moratorium Zoning Amendment and Proposed Zoning Amendment for a Recreational Marijuana Ban

Mr. Dell'Aquila summarized the moratorium and ban zoning amendments. After the public hearing the Planning Board will make their recommendations to the Board of Selectmen and it will go to Town Meeting. The ban would mean no retail of recreational marijuana in Spencer. The moratorium for marijuana would be a hold on the bylaw until November 2018 until the Cannabis Commission is established. Mr. Ceppi asked about the process and Mr. Dell'Aquila answered that the Planning Board would make the recommendation and it would depend on what the Town meeting. Mr. Ceppi asked about the language handout for the marijuana moratorium/ban and Mr. Dell'Aquila said it is model language vetted by Town of Northbridge (KP Law) and the Attorney General's office. The language is for recreational marijuana sales and will not affect the bylaw for medical marijuana usage or facilities. Ms. Shiver mentioned this has nothing to do with the growth or possession law that was passed but only for non-medical retail. Mr. Dell'Aquila commented that the moratorium would allow the town to see what the laws look like in the next year.

Mr. Ceppi opened the meeting to the public.

Steven Moyer, 134 Main Street, explains that he is an enthusiastic supporter of question #4 on the ballot last year. Views himself as a philosopher and has a background in constitutional law. Mr. Moyer explains amendment 9 "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." Mr. Moyer discussed rights that he believes, including, being one with nature because we are nature. Mr. Moyer believes that all the laws that ban marijuana are unconstitutional. Mr. Moyer explained some research and found that marijuana may help in the heroin epidemic. In addition, Mr. Moyer discussed the differences between medical marijuana and feels the people should be able to prescribe marijuana for their own purposes. Mr. Moyer further explained that on question 4 in November elections, the wording recreational was not present, and the government injected the word recreational after the law was passed.

Mr. Dell'Aquila said an out-of-state entity wrote the ballot initiative. Mr. Ceppi explained that there needs to be something in our bylaws and if the Planning Board doesn't do it then the Board of Selectmen will. However, recommending the moratorium will help put a hold on things until there is more guidance from the state. Mr. Ceppi further explained the procedure for bylaws. Mr. Moyer explained that having the marijuana retail in Spencer could be good for the town. Mr. Moyer asked if the Planning Board has reached out to the Cannabis Commission and Mr. Dell'Aquila said the commission hasn't been developed yet. Ms. Shiver said that medical marijuana is permitted in the industrial district.

Mr. Moyer ended with the statement to support liberty and responsibility and teach the community responsibility with the use of marijuana, and any substance can be abused. Mr. Moyer is concerned about the heroin epidemic with the belief that marijuana could help. Also, would like to see people being able to buy marijuana without getting a doctor's note because people should be able to heal themselves. Mr. Moyer opposes the marijuana ban and the moratorium.

Mr. Dell'Aquila said the earliest any sales can happen is January 2018 and these zoning amendments were initiated by the Board of Selectmen.

Mr. Ceppi closed the meeting to the public.

MOTION: Ms. Shiver motioned to close the public hearing

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 3-0

The Planning Board members all agreed they would recommend the marijuana moratorium since over 50% of people in Spencer were in favor of question 4. Also, they agreed that the zoning map be put together so they are ready for next town meeting.

MOTION: Ms. Shiver motioned to recommend the temporary moratorium to the Board of Selectmen for 18 months

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 3-0

MOTION: Ms. Shiver explained they will not endorse the marijuana ban since over 50% of the Spencer residents were for the legalization.

SECOND: Ms. Reed

DISCUSSION: None

VOTE: 3-0

3) Town Planner Report/ General Board Discussion

Mr. Dell'Aquila said he will stay on top of the marijuana moratorium by attending seminars and workshops.

Next Planning Board meeting scheduled for April 18, 2017

MOTION: Mr. Ceppi motioned to adjourn the meeting at 7:53pm

SECOND: Ms. Shiver

DISCUSSION: None

VOTE: 3-0

Submitted by: Monica Santerre-Gervais ODIS Clerk

Approved by the Planning Board on: 4/18/2017

List of Documents used on April 4, 2017

Items sent to Planning Board prior to Meeting by email:

- Agenda
- Marijuana Moratorium or Ban language

Items submitted at the Meeting:

1. None