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[Town of Grafton MA] Public comment 28MAR2016 , Medical Marijuana

1 message

mpj2202@gmail.com <mpj2202@gmail.com>

Tue, Mar 29, 2016 at 7:40 AM

To: planningdept@grafton-ma.gov

Hello Planning Department,

Mark Johnson (mpj2202@gmail.com) has sent you a message via your contact form (<http://www.grafton-ma.gov/user/14766/contact>) at Town of Grafton MA.

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Message:

Hello,

Please include the attached pdf as public comment for consideration.

Regards,
Mark Johnson
19 Hilltop St.
N. Grafton, MA 01536

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APR 5 2016

**PLANNING BOARD
GRAFTON, MA**

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zoningbylaws_20160329.pdf
85K

Zoning bylaw language to be considered in conjunction with present proposal.

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1. Defining local definitions of places where children congregate.
 - a. Including buffers surrounding "neighborhood" bus stops,
 - b. Buffers for existing businesses that provide a certain percentage of their scheduled activities for children under age 18
 - c. Any way to include the popular hangouts in town? ie; Dunkin, Pep Express, Bushel n Peck (currently protected by NB), Common (another protected by NB), etc.
2. Buffers for locations that directly abut a residential property.
 - a. Minimum distances overall. ie; proposed facility to residential property line or residential dwelling.
 - b. Perhaps increase distances when directly abutting a residential property.
3. Many towns require "special" permit for ALL dispensaries – thus requiring input from local PD, FD, board of health, etc. - (most importantly) Public notification and hearing. This gives the Planning Board greater oversight and discretion.
4. Under a "special permit" – limit operating hours.
 - a. Other towns have limited hours to 8am-8pm.
 - b. Never allow on Sundays or holidays.
5. Limit any and all sales of other products to include:
 - a. Any other cannabis (THC, hemp, etc) containing product not specifically defined as medical use. Language should include and prohibit recreational sale at, or within proximity of a medical dispensary. (current house bill may not allow this though)
 - b. Any product used to administer (aka paraphernalia) . Pipes, water pipes, vaporizers, etc.
6. Under "special permit", require additional packaging similar to a post office sealed envelope. This larger packaging would deter those that want to open the "tamper proof" and load a vaporizer on the way to their car in the lot. It will also deter from those "buying" for another and handing off in the parking lot. This should not be ignored as it cannot be denied that this practice occurs now repeatedly at liquor stores.
7. Limit time that a special permit must be renewed (every 3 years). Renewals should require input from various local authorities (ie; Police, BOS, Planning – most important Public input). This gives an open and transparent way for all to gauge how this industry grows. Renewals only granted with Board vote of approval.
8. Defined penalties, including revocation of a permit, for infractions concerning public health and safety.

Considerations for a more comprehensive approach:

This takes into consideration that Mr. Hassinger has, on many occasions, described a dispensary as a "quiet little store". Yet, the Town Planner, with agreement of the Planning Board claims dispensaries best fit under the definition of Community Business. I would ask the Board to review the definitions of our zoning districts.

1. Community Business : "To provide sites for businesses that serve the entire town which, through proper siting,"
2. Neighborhood Business: "To provide sites for small scale business development for local and transient services"
3. Village Mixed Use: "Permit uses that promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the district."

Since this industry only serves less than 1/3 of 1% of the public, how can it fit into Community Business? An OMMD only serves a VERY limited amount of patients in Grafton, how does it qualify to serve the entire town? Since such an establishment fits perfectly under the current descriptions for Neighborhood Business and Village Mixed use, those areas in town should be considered as well. If these areas are allowed, the Planning board could focus on regulating the industry in other ways. Minimum lot size, minimum setback from road, minimum setback from residential, double

setback if abutting residential. Northbridge, MA has successfully regulated OMMD's in this manner. More examples to consider are:

1. Utilize some of the above. Hours of operation, additional packaging, penalties, etc.
2. Special permit for CB, NB, VMU, - maximum 3 year renewal with Board vote.
3. Defined minimum lot size, minimum building size
4. Minimum setbacks from road and adjacent properties, double the setbacks when abutting residential properties with a dwelling.
5. Site plan review only for I, OLI - This may encourage applicants to locate in these districts (a FAR more appropriate district for this industry than next to a pizza parlor and a neighborhood, IMHO).
6. Another approach could be to develop "Medical Marijuana Overlay Districts" within the town. The town of Sturbridge has created such overlay districts that have been passed at town vote and approved by the Attorney Generals office.

Summary

Something that should not be overlooked is that dispensaries are selling a "medical" product and are not a "retail facility" as they often are asserting at this stage. They are a pharmacy. The reason they are continually seeking the retail label only serves to show that the industry is well aware that there is a ballot question looming for Massachusetts. If the dispensaries continue to set precedent that it is nothing more than a "retail facility", future regulation at a local level will be difficult. The current language in the bill, (Bill H.1561), already protects and grants for any OMMD to become a licensed recreational location. It also has language to allow recreational retailers "in the area" of an existing. How will the state define this? Will it be defined as "in the same building" or "the same zoning district" or "within a specified radius" ?? The Planning Board must consider this with the current proposal for residents to vote on. The current location at 206 Worcester St WILL become a retailer for recreational marijuana should the ballot question pass. Any subsequent OMMD locations permitted in the Town will also be granted a retail license should the ballot question pass.

An OMMD offering this service, and those in need of this service, should not claim to be inconvenienced to drive another mile or two down the road to purchase medication. If they were to assert otherwise, I would be suspect. Using current figures published by the State, approximately 1/3 of ONE PERCENT of Mass residents have a medical marijuana card. Since Massachusetts is one of only 3 states to recognize "other" as a debilitating condition, only 10% of the issued cards are for the recognized 8 debilitating conditions in other states. In other words, 90% of Massachusetts cardholders would NOT qualify in our neighboring state of Rhode Island.

Mathematically, there are about 63 residents (**only 6 if this were Rhode Island**) in the town of Grafton that will be purchasing medication here. All others will be from outside of Grafton.

Since these locations are exempt from taxation at the local level, everything falls upon the townspeople to foot the bill in the form of taxation. Any Police responses, Fire, roadway impacts, etc – all fall on the taxpayers in Grafton.

Host agreements should also be considered to reduce the financial burden on the taxpayers. The city of Worcester, just recently, negotiated the following: upfront 3 yearly payments of \$450,000, plus a percentage of gross sales (1.5 percent, 2 percent and 2.5 percent in each of the next three years). In the fourth year, and each year thereafter, the Good Chemistry will pay \$200,000, plus 2.5 percent of gross sales. Worcester intends to put the money toward youth recreation and after school programs. The city is still in talks with other dispensaries and could host as many as four.

Something that has been brought up by board members at several Planning Board meeting meetings is that Grafton overwhelmingly voted in favor of medicinal marijuana back in 2012. That is very true. But, that vote has little to do with properly regulating this industry at a local level. The 60% in favor (59% for Grafton) of that 2012 ballot initiative was very consistent throughout the Commonwealth. A perfect example would be the Town of Westboro. Westboro actually

voted 61% in favor of the 2012, higher than Grafton. Yet, Westboro has passed (both by town vote and AG's office) regulation limiting the placement of RMD / OMMD to the town's "adult entertainment district". While I have not studied Westboro's zoning maps, I can be fairly confident that the approved area is quite limiting.

As so many residents in Grafton have stated; this is not a debate about medical marijuana, it is about proper placement of dispensaries. With the possibility that ALL medical dispensaries may become recreational retailers in the future, it is imperative that the Planning Board present a comprehensive package that not only addresses the present, but considers the future as well.

Respectfully,

Mark Johnson

Bill H.1561 (current language for recreational ballot question in Nov 2016)

"Section 17. Medical marijuana treatment centers. All entities registered by the department of public health as a medical marijuana treatment center or a registered marijuana dispensary, and in good standing, shall be issued a marijuana retail licenses for off-premises consumption as a matter of right, without regard to the quota provisions of section 17(c)(6)."

