TOWN OF LUDLOW PLANNING BOARD
MINUTES OF THE MEETING OF
February 23, 2023

PLANNING BOARD MEMBERS

Joseph Queiroga – Chairman (Present)
Raymond Phoenix – Vice Chairman (Present)
Christopher Coelho (Present)
Kathleen Houle (Present)
Joshua Carpenter (Present)
Joel Silva, Associate Member (Absent)

The meeting began at 7:00 p.m. in the Selectmen's Conference Room.

PUBLIC HEARING – Special Permit / Home Occupation – James L. Chenier – 628 Fuller Street (Assessors' Map 8, Parcel 37) (management of junk removal business)

SEE ATTACHED MINUTES

CONSENT AGENDA:

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The Board approved the Consent Agenda under unanimous consent.

- FILE Mail Item 12. - Legal Notices from surrounding communities
- APPROVE/SIGN Minutes of February 9, 2023
- APPROVE Change of Occupancy:
  - Town of Ludlow Veteran's Services (Marc Strange) – 487 Holyoke Street (from medical/health to Veteran's Services Offices)
  - Procon Group, LLC – 483-487 Holyoke Street (change of ownership of plaza)
- SIGN Special Permits:
  - Ceciley Fenno – 173 Winsor Street (mobile massage business)
  - Jennifer Molina – 155 Tower Road (telehealth therapy)

Mr. Phoenix followed up on the Harris Brook School traffic situation and asked if anyone responded to the concerns. Mr. Stefancik said that he hasn't heard back from anyone as of yet, but that he also copied the Board of Selectmen and the Safety Committee on the letter of concern. He noted that the Safety Committee has been in discussions over the traffic issues, and that he will send an email to the superintendent tomorrow.

PUBLIC HEARING – Definitive Subdivision – VDS Properties, LLC c/o Mr. Joe Alves – 694 Chapin Street (Assessors' Map 16B, Parcel 1-1) (construction of an eight (8) lot residential subdivision and associated site improvements)

SEE ATTACHED MINUTES

Mr. Phoenix asked that the board come back to the Rules & Regulations issues that were just discussed in the public hearing for the VDS Properties, LLC Subdivision regarding the waivers for: A waiver of Section II. B.2.f. – To waive the requirement that all perimeter monuments be set prior to submission of the definitive plan; and a waiver of Section III.D. – To waive the requirement to locate large trees (greater that 8-inch diameter at breast height (DBH), so that they can be changed some time after town meeting.

PUBLIC HEARING – Zoning Bylaw Amendments (Adult Use Marijuana/Cannabis Establishments and Medical Marijuana Treatment Centers & Removal of Prohibition on Marijuana Establishments)

SEE ATTACHED MINUTES

ANR – Halama Family Irrevocable Trust - c/o John A. Halama – 0 Center Street (Assessors' Map 34, Parcel 7) (to allow for construction of a single-family house)

The applicant was not present for the appointment.

Mr. Phoenix remarked that the plan isn't actually an ANR plan, but a permitter plan. Mr. Stefancik said that the applicant wanted an official plan to submit to the Registry of Deeds because there was nothing currently on file. He also noted that they just received Zoning Board of Appeals approval to build a house on the property.

Mr. Phoenix and Mr. Stefancik commented that they didn't see anything missing on the plan.

Mr. Phoenix: I'm gonna make a **MOTION** in the standard form to endorse the ANR as submitted.
SECOND Mr. Coelho.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Documents included: Master application; Plan of Land in Ludlow, Massachusetts – Surveyed and Mapped for John A. Halama – Trustee of the Halama Family Irrevocable Trust – (owner) (02-01-2023)

Zoning Bylaws – Self-Service Storage Facilities & Agriculture Moderate Density District

Per the request of Mr. Carpenter, Mr. Stefancik gathered the zoning bylaws from several surrounding communities in regard to where self-storage facilities are allowed to be located. The Board discussed the different zoning locations where they are allowed. Mr. Carpenter said that he doesn't believe that storage units should be allowed in the Agricultural or AMD Districts, but rather only in Industrial Districts, and that he would like to have the use removed from AMD. Mr. Carpenter also mentioned that there currently is not a definition for self-storage units in the Table of Principle Uses. Mr. Stefancik said that self-storage is defined under warehousing. Mr. Stefancik will add to the list of surrounding communities for review at the next meeting. Mr. Phoenix said that in addition to looking at just the zoning question, parking, definitions, and adding additional language to the AMD should also be reviewed.

Mr. Phoenix questioned the font (bold, underline) of the text in the AMD District definition in the Bylaws. The discussion will continue to a future meeting(s).

Documents included: Draft Zoning Bylaw Changes May 2023 Town Meeting

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Mr. Phoenix explained that the Board of Selectmen are looking to offset expenses going into the next budgetary season, and that they found some unexpended monies such as the unused master plan money, and are also looking at reviewing what different departments are charging on their fee schedule. Mr. Stefancik had sent the planning fee schedule to Marc Strange for review.

File Mail Item #13 – MassDOT Highway Division Project #613119 Ludlow – Springfield – Bridge Replacement

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File Mail Item #14 – Memo from Marc Strange, Town Administrator re: Articles for the May 8, 2023 Special Town Meeting with the Annual Town Meeting Warrant

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Mr. Phoenix: Seeing nothing else on the agenda, I'm gonna make a **MOTION** to adjourn.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Meeting adjourned at 8:55 p.m.

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APPROVED:

Joseph Queiroga, Secretary

su

(All related documents can be viewed at the Planning Board Office during regular business hours.)

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – SPECIAL PERMIT / HOME OCCUPATION
628 Fuller Street – James L. Chenier
(management of junk removal business)
February 23, 2023

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PLANNING BOARD MEMBERS

Joseph Queiroga – Chairman (Present)
Raymond Phoenix – Vice Chairman (Present)
Christopher Coelho (Present)
Kathleen Houle (Present)
Joshua Carpenter (Present)
Joel Silva, Associate Member (Absent)

The hearing began at 7:01 p.m. in the Selectmen's Conference Room.

In attendance: James Chenier, attendees

Mr. Queiroga read the legal notice and gave the applicant a copy of the Turley Publications invoice. The legal notice included the description of: management of junk removal business.

Mr. Phoenix: Mr. Chairman, if you want me to get the ball rolling, on the home occupation supplement we have the total area is 1,600, area to be used is about 120. We have number of nonresident employees zero. We have no planned signage, customers at the house, deliveries unlike those of a normal residence, no changes that would make it look less residential, and the vehicle in connection is a pick-up truck of GVW 9,900. And we do have a request signed by the applicant requesting a waiver of the full site plan in favor of a sketch and photos as appear to have been provided to us already.

Mr. Queiroga: Ok, why don't you tell us what you're planning to do?

Mr. Chenier: So, it's basically just the administrative part of a junk removal business. So, I'll receive phone calls, schedule appointments, and then I will go pick up whatever items someone wants removed from their home, and then I'll go from there right to the disposal area would be. So, whether it's Waste Management, if it's recyclable, if it's scrap. So, you know, there's nothing that's gonna change from appearance standpoint. The vehicle will be parked there, but it'll be parked inside the garage.

Mr. Queiroga: Do you have employees?

Mr. Chenier: No, it'll just be myself. It's not gonna be a full-time business, it's gonna be a part time business.

Mr. Queiroga: Ok, questions from the Board?

Mr. Phoenix: No questions, I know you slid the invoice for Turley Publications over.

Mr. Queiroga: Yup, you can either leave a check with our Planner.

Mr. Chenier: Yup.

Mr. Phoenix: What I would do to kind of get the ball rolling on this is, I would start by, I'll make a **MOTION** to find that a home occupation as described is a suitable one under the bylaw, and further, to grant the waiver request of the full site plan down to a sketch and photos as has been prepared by the applicant.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Queiroga: That included the waivers, correct?

Mr. Phoenix: Yup, the finding and the waiver.

Mr. Queiroga: Ok, are there any additional questions from the Board? No?

Mr. Phoenix: Unless there's anything from the public, and if you do have anything please let us know, hearing nothing, I'll make a **MOTION** in the standard form to approve the special permit for home occupation and then to close the public hearing.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

The public hearing ended at 7:05 p.m.

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APPROVED

Joseph Queiroga, Secretary

su

Documents: Master application

(Documents pertaining to this hearing are available for viewing in the Planning Board Office during regular business hours).

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – DEFINITIVE SUBDIVISION
694 Chapin Street – VDS Properties, LLC c/o Mr. Joe Alves
(construction of an eight (8) lot residential subdivision and associated site improvements)
February 23, 2023

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PLANNING BOARD MEMBERS

Joseph Queiroga – Chairman (Present)
Raymond Phoenix – Vice Chairman (Present)
Christopher Coelho (Present)
Kathleen Houle (Present)
Joshua Carpenter (Present)
Joel Silva, Associate Member (Absent)

The hearing began at 7:10 p.m. in the Selectmen's Conference Room.

In attendance: Joe Alves, John Tomaszewski – R Levesque Associates

Mr. Phoenix read the legal notice into the record, advised the public that the cameras are recording, and gave the applicant the invoice from Turley Publications. The legal notice included the description of: construction of an eight (8) lot residential subdivision and associated site improvements.

Mr. Queiroga read the Response to comments letter from R Levesque Associates, Inc. dated February 21, 2023 (see file).

Mr. Phoenix: Can either Sue or Doug get me a copy of the Subdivision Rules and Regs because the copy that I have saved is, I don't believe, up to date, and we don't seem to actually have the Rules and Regs on the town website which we might want to fix, probably be a good idea?

(Conversation between Mr. Stefancik and Mr. Phoenix regarding the location of the Subdivision Rules & Regs located on the town website)

Mr. Queiroga read the comments from the town departments which included the DPW and the Fire Department. The Fire Department comments included that there is a new fire truck on order and notes that the engineer should use the new specs for the cul-de-sac design. (See file)

Mr. Queiroga: Were you aware of that?

Mr. Tomaszewski: Yeah, that came in, I think, at 4:58, or so. It's similar to their existing truck, but slightly different.

Mr. Coelho: You can't design a new development to a truck that doesn't exist yet.

Mr. Phoenix: More importantly, and this is something that I was gonna get into until a little bit later, the, I don't know that the radius of their equipment is the issue. The Rules and Regs state that for dead end streets shall be provided at the closed end with a turnaround having an outside

roadway diameter of at least 130 feet, and a property line diameter of at least 150 feet. A center island shall be installed with a diameter of 70 feet. The return radius from the cul-de-sac to the street intersection shall have a radius of 25 feet and the corresponding property line shall be designed to leave a minimum of 10 feet from the finished curb or berm radius. Land inside the turn around shall be landscaped to match the surrounding area. So, that's what I was trying to make sure was still accurate and not outdated at all.

Mr. Queiroga: You have access to those measurements, right?

Mr. Tomaszewski: Yes, and that's what we designed to.

Mr. Queiroga: Ok.

Mr. Phoenix: So, I mean, if they're matching that, then they're matching the numbers that we had gotten from the Fire Department before as being appropriate for their equipment. If they're getting larger equipment, we need to change the rules. If they're getting larger equipment that this won't work for and the applicant's willing to change their plan, I'm not gonna tell them not to. But I don't know that we can hold that up waiting for new numbers. We have what was in the rules when they started drafting their plan.

Mr. Queiroga: When is this piece of equipment supposed to be coming in Doug? Do you know?

Mr. Stefancik: No, it's on order.

Mr. Queiroga: Ok.

Mr. Phoenix: Well, it looked like based on the email, like they're supposed to be getting a spec sheet on it. Hopefully that's in the near future, but again.

Mr. Stefancik: They've provided the turning performance analysis which was given to R Levesque.

Mr. Queiroga: Ok.

Mr. Alves: I just want to state one thing as well. We originally presented this with a paved turning radius at the end with no center island, but it was turned down that you guys preferred to have an island.

Mr. Phoenix: And that's probably why one of the things Josh picked up on was that on one of the sheets it doesn't show the center island.

Mr. Carpenter: Yeah, P1 doesn't show the island, however, C3 and C4 have the island.

Mr. Tomaszewski: Yeah, P1 is the plan --- that goes to the Registry that creates the lots. So, there's none of the construction aspects of the project ---. There's no berm line or sidewalks on that, it's just literally the property line stuff, so it wouldn't show on that one.

Mr. Alves: We can construct that any way you guys want. If you want the island, we put the island. If not, --- it doesn't matter to us.

Mr. Phoenix: Generally, we want the island. So, you're saying as far as these requirements for the, at least 130 and property line of at least 150 and the center island with a diameter of 70, and I think when I was looking quickly, I saw the return radius was marked as 25 which is right and the minimum of 10 feet from the finished curb or berm radius, that's all taken into account on the plan as existing.

Mr. Tomaszewski: Yeah, we laid it out exactly as in the ---.

Mr. Phoenix: Ok.

Mr. Queiroga: Just to finish this up. The Ludlow Planning Board has no issues. The Safety Committee, no comments. The Assessors' Office, no comments. Ludlow Planning Board has no comments. Ok.

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Mr. Phoenix: Mr. Chairman?

Mr. Queiroga: Mr. Phoenix.

Mr. Phoenix: Just one other thing I wanted to throw out there, 'cause we already did mention that they're asking for a couple of waivers. I'm looking for the sheet in here. I know I was looking at it earlier today. Here it is. It looks like somewhere around the middle of the bound packet, dated January 26, 2023, their request for waivers. I'm seeing that they're requested, I don't see anything in the letters as far as a justification. And I think I can speculate on what that might be for one or both of those, but I was hoping that as part of explaining the proposal, the applicant might be able to explain what the thinking is on requesting those waivers.

Mr. Tomaszewski: Sure, so the first one. The waiver to, that all perimeter monuments shall be set prior to submission of the definitive plan, show calculated areas of all parcels and --- right of ways. Well, that would mean having to set every perimeter monument on the site, which I'm not sure if it means --- monuments of the existing parcel or the proposed parcels, but the request is to not have to set every property corner as part of the submission. We obviously show the calculated areas of the parcels of the street right-of-way. It's just a lot of additional work, you know, that may not need, you know, till the project is approved, then we move forward with setting all that monumentation.

Mr. Phoenix: On that one, I think we've heard before too, and we've mentioned that it might be something for us to look at revising in the Rules & Regs. I think one of the common concerns is that during construction the pins could very easily get knocked around and, you know, somebody ends up putting it back up five feet from where it's supposed to be and then it's not really doing its job. So that's why I said, I think I can speculate on at least some of why they're being requested. But is the intention as part of, again, I think I saw something about this, is the intention as part of the final steps of this, with the as built and everything, to get all that monumentation up?

Mr. Tomaszewski: Yup, all the front corners, all the --- of the roadway and the rear property corners.

Mr. Phoenix: So those pins will be there, they're just not gonna be there before the chance to disturb them and…

Mr. Tomaszewski: Yeah, it will happen just prior to, before the as-built, any sort of as-built is done, you know, and the bulk of the work is completed, particularly the front corners and bounds. Those get, they're like targets.

Mr. Phoenix: You mean there's trucks and all kinds of stuff going through there for something?

Mr. Tomaszewski: So, that's the reason for that waiver. And then obviously, the second one, locating all the trees eight inches or larger, I mean, we do locate the ones that sort of stand alone in lawn areas, but then, you know, talking about locating 2 ½, 3 acres of any potential 8-inch trees doesn't seem likes it's very valuable information. We do show that the area is wooded to know where each individual tree eight inches or larger is seems like overkill.

Mr. Phoenix: Well, I think that regulation, and I could be mistaken, I think that came in, I think, from Paul Dzubek originally, I think. That they wanted to try and mark off where all those trees were as far as trying to preserve the larger trees or at least know how many there are for possible replacement, things like that. It's another one that I think we've been asked somewhat routinely to waive. I don't know if that's another thing that we might want to look at changing what's in the regulations to something that's still gonna capture some of what we're looking for, but not be ridiculous. We've had that same thing in play on much larger parcels where it's even a little bit more silly to try and find all of those. Who is currently functioning as tree warden?

Mr. Stefancik: The new DPW director, Lee. I don't know his last name. I haven't met him yet.

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Mr. Phoenix: Yup. That might be a discussion just to open up with that and see what might be a good path forward on that because if we're gonna be waiving it all the time, I'd rather change it instead of waiving it all the time, or if they see that there's a clear value to it that we're not comprehending and it really needs to be done, then I'd like to hear that so that we can make sure that we're enforcing that the way that they believe it needs to be.

Mr. Queiroga: You want to give us some information at a later date or, in terms of those items?

Mr. Tomaszewski: In what way?

Mr. Queiroga: I'm just wondering, are we gonna ask for a waiver on that or?

Mr. Phoenix: They already asked for the waiver. I just wanted, the thing is normally when we get waiver requests, one of the things that we're looking for is why do they want the waiver, why is it not just, like I said, I can speculate, but ultimately, the waiver when we grant it, should be not just because somebody asked us for the waiver, there should be a justification for why they're looking for the waiver and why it's in the town's best interest to grant the waiver. And I think it's in the town's best interest, personally, my feeling anyway, to grant the waiver request on the monumentation until after, as long as it's getting put up after, because we're gonna get more accurate monumentation out of the deal. It's gonna be more reliable for the people that are moving into the development afterwards. As far as the tree one, I'm a little bit more iffy on where the town's benefit is, but I don't know that the town has a clear benefit of enforcing it, so I'm not necessarily opposed to granting that waiver either, but having the narrative in some way, shape, or form from the applicant is, I think, hugely informative as to why we should grant it in this case or if we should be looking to just change the rules.

Mr. Queiroga: Talk to us.

Mr. Tomaszewski: Do you need something more formal in writing, I guess?

Mr. Queiroga: No, just what your thinking is and why that.

Ms. Houle: Ray's looking for writing.

Mr. Phoenix: Well, we can get it in writing if they want to, but it's part of the…

Ms. Houle: Record.

Mr. Phoenix: …it's part of the record now. I think that's fine. I just wanted to make sure that we covered that ground.

Mr. Queiroga: Ok, so we can.

Mr. Tomaszewski: Will you need anything else from us or is the discussion adequate?

Mr. Phoenix: I'm hesitant to make motions on the waivers before we have, you know, the narrative of what you're doing, but if I'm being really honest about it, my inclination right now is to grant both of those, or make motions to that effect, but I think it would be smart to hear the proposal before we start granting the waivers.

Mr. Queiroga: Any other member of the board want to make a motion or has a thought on this?

Mr. Coelho: No, I think we should let him go through the description.

Ms. Houle: Let him go through the description.

Mr. Tomaszewski: So, you want me to repeat what we just went through?

Mr. Phoenix: No, the actual development itself.

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(multiple people talking)

Mr. Tomaszewski: So, good evening. My name is John Tomaszewski, Design Engineer with R Levesque Associates. Also here, Mr. Joe Alves, I'm sure you all know him, the project proponent. And we're here to present a plan for a proposed eight-lot residential subdivision to be located at 694 Chapin Street here in Ludlow. The parcel site is approximately four acres in size, just a little under four acres in size. It's located on the north side of Chapin Street, just down here. It's located between John Street and Victor Street. If you're not familiar with those, this is Swan Ave across the way which is the cut through to the Turnpike. The site itself is essentially flat. There's currently a single-family home, a shed, some lawn and landscaped areas up front, and the rear is mostly wooded. Essentially, the entire site is surrounded by residential properties. There are no wetlands on the property, on the property itself or adjacent to where there might be some buffer zone that might affect the project, so conservation wise we are in the clear which is a bonus. The parcel is zoned Residence A, which there was a zone change in the middle of last year, around July. Originally the front part was Residence A and the rear was Agricultural. So, now the entire parcel is zoned Residence A. So, that is basically the existing what is out there

right now. Flip this over and talk about the proposed. So, like I said, we're proposing an eight-lot residential subdivision. Those eight lots will be accessed off a short cul-de-sac roadway approximately 409 feet in length. We are proposing a sidewalk on the east side that will end up at the cul-de-sac. Storm water will be handled through a pair of catch basins here up near Chapin. There'll be another one at the end of the cul-de-sac and from those catch basins, that will get piped to a surface infiltration basin to the rear that's been designed to handle up to and including the hundred-year storm event. There is also gas, water, and sewer available on Chapin Street, which will be brought on to the new roadway to provide service to all the new homes. What else am I missing? I think that's the bulk of it. We talked about that we are requesting those two waivers for the monumentation to be set prior to submission. It will be set before all is said and done. And the second for the eight inch or larger trees to be located. So that is the project in a nutshell.

Mr. Queiroga: Questions or comments from the Board or?

Mr. Phoenix: I think my big things have already been addressed.

Mr. Queiroga: Ok.

Mr. Coelho: Chris, anything?

Mr. Carpenter: Mr. Chairman? You're gonna clear out Lot 1 with the existing structures?

Mr. Alves: Existing home?

Mr. Carpenter: Yeah.

Mr. Alves: Yeah, it's gonna get removed, yup.

Mr. Queiroga: Ok, any other questions? Again, for those who are here for this meeting…

Mr. Coelho: Mr. Chairman?

Mr. Queiroga: Mr. Coelho.

Mr. Coelho: I'll make a **MOTION** to grant the exceptions, the waivers, that's right, I couldn't find the word there, as indicated in their waiver request form to include monumentation until construction is significantly started and marking of eight-inch trees as it's not really necessary, it's not possible on this, there's not gonna be many trees left anyways.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Queiroga: What else do we need to talk about on this project?

Mr. Phoenix: I'm not hearing anything else from the Board and although I don't see a whole lot of people here, I'm waiting to make a motion till after we check 'cause I don't know if there's anybody on line either.

Mr. Queiroga: Ok, is there anybody here that wants to speak on this project, no? Ok. And there's nobody on the, ok.

Mr. Phoenix: Hearing nothing, I'll make a **MOTION** in the standard form to approve the subdivision as proposed and to close the public hearing.
SECOND Mr. Coelho.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

The public hearing ended at 7:39 p.m.

APPROVED:

Joseph Queiroga, Secretary

su

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Documents: Definitive Subdivision Application (January 26, 2023); Stormwater Drainage Report (January 25, 2023); Comments for Town Departments; Response to comments from R Levesque Associates, Inc. (February 21, 2023); Definitive Subdivision Plan "A's Homes" 694 Chapin Street (Parcel ID: 16B-3650-1-1) Ludlow, MA 01056 (January 25, 2023)

(Documents pertaining to this hearing are available for viewing in the Planning Board Office during regular business hours).

TOWN OF LUDLOW PLANNING BOARD
PUBLIC HEARING – PROPOSED ZONING BYLAW AMENDMENTS
Town of Ludlow Planning Board
(Adult Use Marijuana/Cannabis Establishments and Medical Marijuana Treatment Centers & Removal of Prohibition on Marijuana Establishments)
February 23, 2023

PLANNING BOARD MEMBERS

Joseph Queiroga – Chairman (Present)
Raymond Phoenix – Vice Chairman (Present)
Christopher Coelho (Present)
Kathleen Houle (Present)
Joshua Carpenter (Present)
Joel Silva, Associate Member (Absent)

The hearing began at 7:40 p.m. in the Selectmen's Conference Room.

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In attendance: Laura Rooney – Ludlow Cares

Mr. Queiroga and Mr. Coelho read the legal notice into the record. The legal notice included the description of: Proposed zoning bylaw revisions to include the following: SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS delete 3.2.3 Prohibition of Marijuana Establishments. SECTION VI: SPECIAL LAND USE REGULATIONS, by deleting 6.11 Medical Marijuana Treatment Center/Dispensary and inserting in its place 6.11 ADULT USE MARIJUANA/CANNABIS ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS.
SECTION X: DEFINITIONS delete MEDICAL MARIJUANA TREATMENT CENTER/DISPENSARY.
SECTION III: GENERAL USE REGULATIONS, 3.2.2 TABLE OF PRINCIPAL USES delete land use classification "Medical Marijuana Treatment Center/Dispensary" in the GOVERNMENT, INSTITUTIONAL, & PUBLIC SERVICE row of TABLE I, LUDLOW TABLE OF PRINCIPAL USES and add a new row MARIJUANA / CANNABIS USES and add the following land use classifications "Marijuana Cultivator," "Medical Marijuana Treatment Center (MMTC) / Registered Marijuana Dispensary (RMD)," "Recreational Marijuana Retail Establishment," "Marijuana Testing Facility," "Craft Marijuana Cultivator Cooperative," "Independent Marijuana Testing Laboratory," "Marijuana Product Manufacturer & Marijuana Microbusiness," "Marijuana Transporter" and "Marijuana Research Facility."

Mr. Queiroga: Ok.

Mr. Phoenix: And if you want to just kind of keep things rolling here, it looks like the text that we have without any article numbers assigned yet, the first one in the pack is:

ARTICLE: *To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow,* ***SECTION III: GENERAL USE REGULATIONS 3.0 GENERAL REGULATIONS 3.2 PROHIBITED USES by deleting 3.2.3 Prohibition of Marijuana Establishments.***
Section to be removed:

3.2.3 ***Prohibition on Marijuana Establishments (Added 11/6/17)***

In accordance with Massachusetts General Laws Chapter 94G, Section 3(a)(2), all
types of marijuana establishments, as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana business location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Ludlow. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time).

REASONING: *As of January 2023, the Marijuana/Cannabis industry, in Massachusetts has recorded over $5 billion dollar in total cannabis sales, with $4 billion in adult-use sales and nearly $1 billion in medical sales since the commercial launch more than four years ago, according to the Massachusetts Cannabis Control Commission sales data. Cannabis shoppers and medical patients spent nearly $1.8 billion at Massachusetts dispensaries in 2022, representing 7% year- over- year growth. The retail industry sales have followed 69% growth in 2021 and 76% growth in 2020. This is a growing and highly regulated industry, and the Planning Board looks at this as an economic development opportunity to remove the prohibition on marijuana establishments and allow for it in appropriately zoned areas. The Town also benefits from the much-needed tax revenue from the sale of marijuana/cannabis products.*

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Mr. Phoenix: I'm noticing a couple of grammatical errors in the reasoning, but I think that's already past because that already had to get submitted, correct?

Mr. Stefanek: Yeah.

Mr. Phoenix: Ok, so we're kinda stuck with that, but that is what it is. So, that's the first one.

Mr. Stefancik: Well, the reasoning can be changed if there's grammatical things.

Mr. Phoenix: Ok, well there are, there are. So, the first one is to take out the prohibition that was put in place back in 2017. I don't know, do we want to take these one at a time or do you want to go through the whole thing all at once and then take votes on what we're doing at town meeting?

Mr. Coelho: One at a time, I mean.

Mr. Phoenix: So, is there any, does anybody want to talk about that one?

Mr. Coelho: No, in my opinion it's taking out the prohibition.

Mr. Carpenter: That one's pretty straight forward, it has to pass before our bylaw can even be considered anyway, other than the grammatical errors, so.

Mr. Phoenix: I haven't heard anybody sound like they joined in on the remote.

Mr. Queiroga: I didn't hear anything.

Mr. Phoenix: Is there any, do we want to take public comment in between?

Mr. Coelho: Yeah.

Ms. Houle: If you're gonna take a vote, you should.

Mr. Queiroga: ---

Mr. Phoenix: Any comment from the public?

Ms. Rooney: My name is Laura Rooney. I'm president of the Ludlow Cares Coalition.

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Mr. Queiroga: You're president of what?

Ms. Rooney: Ludlow Cares Coalition.

Mr. Queiroga: Ok.

Ms. Rooney: I'm here to speak on behalf of mostly myself, a little bit for Ludlow Cares. First, I want to thank you guys for all the work that you do. You know, just being here for the Planning Board piece of it and the development. I can see that you guys are working hard to make Ludlow a great place to be, and that's also what Cares has in mind. One of the things that concerns us, while the revenue is definitely, you know, seems to be blossoming with the marijuana industry and there's a lot of positive aspects to that. Cares is largely concerned about the risks of marijuana on our youth and the rise that we're seeing in town on its youth. Some of the things, more education that needs to be done for our young people, and really unsure about how bringing, not just dispensaries as I'm reading the article, but really opening the door to any kind of marijuana production and, you know, the micro marijuana --- beer type brewery kind of thing, so really opening the door in every way. So, I guess that's our major concern. Not so much that adults are using it, and adults do whatever they want to do. It's a lot like alcohol in that respect, you know, with plenty of bars and restaurants in town. But, with cannabis and marijuana, there just seems to be a delay in the education of these kids in schools of what this can do to you as a young person and what the risks might be as an adult. And from a Cares perspective, we haven't really caught up with that, like we're not reaching enough to warn about high THC products, for example, that are sold in all these dispensaries, so I guess that's what our most concern is. You know, with balancing what your concerns are from a revenue standpoint for the town and trying to do good things for the town. I'm here just to voice that and to not say we're against it or for it, we're just concerned about the health and well-being of our community. With that, I will also just underscore that there really isn't any group in our community that educates adults on something like this ---. So, like our health department isn't doing it. I asked them if they would be here to talk about that and what it would take to alert the community on different health impacts of this, of just marijuana in general regardless of if they buy it here or somewhere else. And there really isn't anyone who does that other than what cares does and we're an all-volunteer group that raises like $25,000 to try and convey this information out here. So, that's really what my concern is, and really, I'd also like to know of the millions of dollars that's in this pot here, what is the actual revenue that Ludlow is going to derive and what are the costs associated with that revenue, what are the --- on the cost?

Mr. Coelho: We can't project what kind of revenue can be generated from a business that doesn't exist yet. We're just trying to lay the groundwork for business to develop in this town and none of these businesses are gonna be, I mean, they're regulated to business zoned areas and industrial zoned areas. So, you're not gonna get cultivators popping up in residential neighborhoods than you are already when you're allowed to grow six plants in your own home. I think it's up to six, right? I don't know the exact number, but Mass State Law allows you to grow a certain amount in your own home already, so.

Mr. Phoenix: I think too, first of all, given the way that Ludlow handled this from the beginning where we had a very reactionary response by saying we're not gonna allow it at all, there's some speculation that the opportunity may have already passed us by. So, I don't know whether we're going to even get any places that want to come into Ludlow. I think this is basically just kind of reversing that and saying, hey if you want to, it is available, we're not saying an absolute you can't be here. The reality is, if somebody's looking to purchase, whether they're going to the place up Shawinigan or they're going to somewhere in Springfield, or they're going to another community around us, the people that are able to legally purchase it are finding places to legally purchase it. If we're talking about what's getting into the hands of the kids, it's not getting into the hands of the kids through legal purchasing. It's getting into their hands through other means, either the same way that kids got marijuana when I was going through school, or they're getting it the same way kids get narcotics from their parents and grandparents. But those same adults are gonna still have it in their house whether they went to Springfield for it or they got it here in Ludlow. So, I don't know that. I don't really see a correlation to what kids are gonna have access to. I think an education component is certainly valuable for kids and adults, as far as anything that somebody's doing in general. But I think, basically, what we're trying to do is make sure that the opportunity is there if somebody does want to put a business in town. It's kind of, and for me, if the choice is between a place that can sell marijuana or a store that can sell narcotics like CVS, Walgreens, Big Y, I know which one I'm actually more concerned with being around my kids and which one I think is gonna draw more of a criminal element trying to get the stuff that they have inside there. And on the other end of it, I know which one is more highly regulated as far as how those businesses need to operate, and it's actually strangely inverse. And I find that very disturbing, personally. And I'm not saying that the marijuana stuff should be easier, maybe the other stuff should be a little bit more secure. But I think really that's where my head is at, is that, you know, the material that we're talking about, it's gonna be in the community one way or another if that's what the adults are looking to get. They're gonna get their hands on it here or three minutes down the road going up Shawinigan, or somewhere else.

Mr. Queiroga: I agree with Ray, a lot of what he said. We obviously have been late to the party, so to speak, because we had that law in place and some people in town were looking for other sources of revenue. You have to realize also, between here and Chicopee there are two gigantic signs on the Mass Pike. It's all around us, ok? And not to realize that is not being honest. I've never had it in my life, and I don't expect to have it, but it has been a good source of revenue for a lot of towns.

Mr. Phoenix: I think the market is kind of saturated with establishments at the moment though.

Mr. Queiroga: Yeah, it is. And whether some people are gonna run a good business and make a living of this, others will not. So, I just don't know how to pick out the winners from the losers, but.

Mr. Phoenix: Kind of the same way you pick the winners from the losers for who's gonna run a good business of any type, whether it's this or an autobody or a fast-food joint.

Mr. Queiroga: We did put it in areas that were away from residential, as you noticed by our zoning laws to this.

Mr. Carpenter: Ms. Rooney, I want to commend you and Ludlow Cares for everything you guys do for the town. If you go further into our bylaw, we do also have a lot of regulations with police and fire and all that as well, just to add on to what they were saying.

Mr. Phoenix: Is there anything else on this first article?

Mr. Carpenter: I will make a **MOTION** to approve that first article for town meeting.

Mr. Phoenix: To recommend approval?

Mr. Carpenter: To recommend approval for town meeting.
SECOND Mr. Coelho.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

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Mr. Phoenix: Next up we have:

ARTICLE : *To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow,* ***SECTION VI: SPECIAL LAND USE REGULATIONS, by deleting 6.11 Medical Marijuana Treatment Center/Dispensary and inserting in its place 6.11 ADULT USE MARIJUANA/CANNABIS ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS.***

Section to be removed:
6.11 Medical Marijuana Treatment Center/Dispensary: (Added 5/12/14)

Medical Marijuana Treatment Center/Dispensary: A non-profit facility or location that has been registered by the Department of Public Health where medical marijuana is grown, processed and/or made available to a qualifying patient or a personal caregiver, provided that:

6.11.1 A medical marijuana treatment center/dispensary shall not be located within 1,000 feet of an elementary school, middle school, high school, church, public library, day care, public park or where children commonly congregate in existence at the time of enactment of the zoning bylaw amendment establishing this use.

6.11.2 All medical marijuana treatment centers/dispensaries need to provide a letter from the police and fire department that the centers/dispensaries meet all standards of security, fire code and public safety.

6.11.3 Medical marijuana treatment centers/dispensaries are allowed through site plan approval and a special permit from the Planning Board in the Industrial A and Industrial C zoning district.

6.11.4 A traffic study will be required.

New Section to be added:
6.11 ADULT USE MARIJUANA/CANNABIS ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS

A. PURPOSE:

To provide for the placement of Adult Use Marijuana Establishments and Medical Marijuana Treatment Centers in appropriate places and specific conditions in accordance with the Mass G. L. c. 94G, Regulations of the Use and Distribution of Marijuana Not Medically Prescribed, found at 935 CMR 500.00, and with Mass. G. L. c. 94I, Medical Use of Marijuana Regulations, found at 935 CMR 501.00.
To minimize potential adverse impacts of Adult Use Marijuana Establishments and Medical Marijuana Treatment Centers on adjacent properties, dense or concentrated residential areas, schools, and other places where children congregate, and other sensitive land uses. To regulate the siting, design, placement, access, security, safety, monitoring, modification, and transfer of adult use marijuana establishments and Medical Marijuana Treatment Centers.
Subject to the provisions of the Town of Ludlow Zoning Bylaws, Massachusetts General Laws Chapter 40A, and 935 CMR 501.00, Adult Use Marijuana Establishments will be permitted to do business within the Town of Ludlow that meet or exceed state regulations as established by the Massachusetts Cannabis Control Commission.

B. DEFINITIONS:

MARIJUANA ESTABLISHMENT: A marijuana cultivator, craft cooperative, independent testing laboratory, marijuana transporter, marijuana product manufacturer, marijuana retailer, or any other type of licensed marijuana-related business registered, approved, and regulated in accordance with the regulations of the Massachusetts Cannabis Control Commission, and/or pursuant to all other applicable state and laws and regulations, other than a Medical Marijuana Treatment Center.
MEDICAL MARIJUANA TREATMENT CENTER (MMTC) also known as a REGISTERED MARIJUANA DISPENSARY (RMD) : A use operated by a not-for-profit entity registered and approved by the Massachusetts Cannabis Control Commission in accordance with 935 CMR 501.00, and pursuant to all other applicable state laws and regulations, also to be known as a Medical Marijuana Treatment Center, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, product containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. An RMD shall explicitly include facilities which cultivates and processes medical marijuana, and which may also dispense and deliver medical marijuana, and related products. The cultivation and processing of medical marijuana in accordance with these regulations is considered to be a manufacturing use, and is not agriculturally exempt from zoning.
RECREATIONAL MARIJUANA RETAIL ESTABLISHMENT (RMRE): A use operated by an entity duly licensed by the Cannabis Control Commission in accordance with M.G.L. c. 94G, and pursuant to all other applicable state laws and regulations, that sells, distributes, dispenses, administers marijuana, products containing marijuana, or related supplies for retail sales for non-medical purposes. Retailers are prohibited from offering cannabis/marijuana products for the purpose of onsite social consumption on the premises of a marijuana/cannabis establishment.

MARIJUANA TESTING FACILITY (MTF): An entity duly licensed by the Cannabis Control Commission in accordance with M.G.L. c. 94G, and pursuant to all other applicable state laws and regulations, that tests marijuana and marijuana products, including certification for potency and the presence of contaminants.
CRAFT MARIJUANA CULTIVATOR COOPERATIVE: A marijuana cultivator comprised of residents of the commonwealth organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the commonwealth, or an appropriate business structure as determined by the commission, and that is licensed to cultivate, obtain, manufacture, process, package, and brand marijuana and marijuana products to deliver marijuana to marijuana establishments, but not to consumers.

INDEPENDENT TESTING LABORATORY: A laboratory that is licensed by the Cannabis Control Commission and is: (i.) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Cooperation mutual recognition arrangement, or that is otherwise approved by the Cannabis Control Commission; (ii.) independent financially from any medical marijuana treatment center, or any licensee, or marijuana establishment for which it conducts a test; and (iii.) qualified to test marijuana in compliance with regulations promulgated by the Cannabis Control Commission.

MARIJUANA: All parts of any plant of the genus Cannabis, not excepted below and whether growing, or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that "marijuana" shall not include: (i.) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (ii.) hemp; or (iii.) the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

MARIJUANA CULTIVATOR: An entity licensed to cultivate, process, and package marijuana, and to transfer marijuana to other marijuana establishments, but not to consumers.

MARIJUANA PRODUCT MANUFACTURER: An entity licensed to obtain, manufacture, process, and package marijuana and marijuana products, to deliver marijuana and marijuana products to marijuana establishments and to transfer marijuana and marijuana products to other marijuana establishments, but not to consumers.

MARIJUANA/CANNABIS PRODUCTS: Products that have been manufactured and contain marijuana, or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils, and tinctures.

MARIJUANA RETAILER: an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments, and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and to consumers.

MARIJUANA MICROBUSINESS: A collocated Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator (up to 5,000 square feet in accordance with 935 CMR 500.005, Cannabis Control Commission Regulations), or Product Manufacturer or both, in compliance with the operating procedures for each (Cannabis Control Commission) license. A Microbusiness that is a Marijuana Product manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

MARIJUANA RESEARCH FACILITY: An entity licensed to engage in research projects by the Massachusetts Cannabis Control Commission.

MARIJUANA TRANSPORTER: An entity, not otherwise licensed by the Cannabis Control Commission, that is licensed to purchase, obtain, and possess marijuana and marijuana products solely for the purpose

of transporting, temporary storage, sale, and distribution to marijuana establishments, not for sale to consumers.

C. REQUIREMENTS:

6.11.1 No special permit shall be granted without first having an executed Community Host Agreement with the Town of Ludlow Board of Selectmen.

6.11.2 No special permit application shall be deemed complete by the Planning Board until a Community Outreach meeting has occurred in accordance with 935 CMR 500.

6.11.3 Marijuana Establishment operations shall conform at all times to G.L. Chapter 94G, and
regulations issued thereunder. MMTC operations shall conform at all times to G.L. c. 94I, and regulations issued thereunder.

6.11.4 Marijuana Establishments and Medical Marijuana Treatment Centers (MMTC)s are allowed only through site plan approval and a special permit from the Planning Board in the districts set forth in Table 2 Ludlow Table of Principal Uses for all Marijuana related uses.

6.11.5 All Marijuana Establishments and MMTCs need to provide letters from both the police and fire departments stating that the centers/dispensaries meet all standards of security, fire code, and public safety. Proposed security measures for the marijuana establishment, include lighting, fencing, gates, and alarms, etc. to ensure the safety of persons and to protect the premises from theft.

6.11.6 A traffic study will be required for any Marijuana Establishment or MMTC where operations are open to the public.

6.11.7 No marijuana shall be smoked, eaten, or otherwise consumed, or ingested on the premises.

6.11.8 Odor: No Marijuana Establishment or MMTC shall allow the escape of noxious odors or gases. They shall incorporate odor control technology and provisions, and ensure that emissions do not violate MGL Chapter 111, Sec 31 C.

6.11.9 An operation plan, including a description of all activities to occur on site, adequate floor plans, and evidence to support the required findings of this bylaw and 7.0.4 Special Permit Criteria, and shall be submitted with the application. In the case where any other use is proposed within the Marijuana Establishment and/or the MMTC, plans shall demonstrate how any public marijuana distribution area is sufficiently segregated and secured from other use areas.

6.11.10 The site plan and special permit is non-transferrable and must be renewed upon a change of the party having control of the operation and/or facility. As long as an application for site plan and special permit is submitted within 90 days from the transfer of ownership, and pending the decision of said renewal application by the Planning Board, the use shall be allowed to continue under the existing permit.

6.11.11 No such facility shall be considered to be agricultural, greenhouse, or educational use for zoning purposes.

6.11.12 All operations are to be contained inside the building. No outside storage of marijuana, related supplies, or promotional materials is permitted.

6.11.13 Annual Reporting: Each Marijuana Establishment and MMTC shall file an annual report, providing copies of all applicable state licenses for the facility and/or its owners to the Planning Board no later than January 31 of each calendar year.

6.11.14 Discontinuance: Any Marijuana Establishment or MMTC will need to notify the Planning Board in writing, in the event operations will be discontinued. A minimum of 30 days notice is required for any change in ownership, management, or closure of a facility. At such time the establishment will need to remove all material, plants, equipment, and other paraphernalia.

6.11.15 Severability: If any provision of this Section 6.11 is found to be invalid by a court of competent jurisdiction, the remainder of Section 6.11 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 6.11 shall not affect the validity of the remainder of this zoning bylaw.

***REASONING:** As of January 2023, the Marijuana/Cannabis industry, in Massachusetts has recorded over $5 billion dollar in total cannabis sales, with $4 billion in adult-use sales and nearly $1 billion in medical sales since the commercial launch more than four years ago, according to the Massachusetts Cannabis Control Commission sales data. Cannabis shoppers and medical patients spent nearly $1.8 billion at Massachusetts dispensaries in 2022, representing 7% year- over- year growth. The retail industry sales have followed 69% growth in 2021 and 76% growth in 2020. This is a growing and highly regulated industry and the Planning Board looks at this as an economic development opportunity to remove the prohibition on marijuana establishments and allow for it in appropriately zoned areas. The Town also benefits from the much-needed tax revenue from the sale of marijuana/cannabis products.*

Pass any vote or take any other action relative thereto. Submitted by the Planning Board

Mr. Phoenix: And it quotes the relevant section that's highlighted in yellow for removal, new section to be added, and there's a fairly lengthy amount of text if the Board is interested, I can read through it, but we've already discussed it in sessions prior to this. But to kind of just cover the highlights, we include purpose, we have a section on definitions, we then have a requirements section 6.11.1 - 6.11.15, and then reasoning (*noted above*). Is this the same text that you used above?

Mr. Stefancik: Yes.

Mr. Phoenix: Ok, so I'm not gonna reread that text. That seems silly. That might be another opportunity to fix things up a little bit before town meeting, 'cause that's gonna not be awesome. But yes, so this would be the bulk of what we're looking at, and that would be the new bylaw text that we've already reviewed a couple times. If anybody wants, like I said, if anybody wants me to read the whole thing or specific parts of it, I certainly can.

Mr. Coelho: Ms. Rooney, did you have the opportunity to look at these bylaws?

Ms. Rooney: I did have the opportunity to look at the bylaws. I had thought that the only thing being approved here was a dispensary, but it looks like there's every aspect of the business is what's on this article, whether it's, like I said, micro establishments to, I don't even know really what they are, but so, it's all different kinds, anything really in the marijuana business is what you're looking at? Is there anything that you're, you know, excluding, like is this including home delivery services, public function in places, you know?

Mr. Coelho: It's been drafted to encompass what the state law allows right now.

Ms. Rooney: And does that include public consumption?

Mr. Phoenix: We didn't put public…

(multiple people talking)

Mr. Stefancik: And the places don't include…

Ms. Rooney: Home delivery?

Mr. Stefancik: …not in any of these places you can't consume any of it. I think that's regulated through the state as well.

Ms. Rooney: What about home delivery?

Mr. Phoenix: I don't think we have anything defined about home delivery, but I don't know that that's, whether that is or is not legal.

Mr. Stefancik: We have marijuana transport, but that's not necessarily home delivery.

(multiple people talking)

Mr. Stefancik: And I don't know even if the state allows that at this point.

Mr. Phoenix: I'm not really heavily into this business model, but I don't know that I've heard of anyone getting delivery, at least not from legal sources.

Mr. Coelho: I know they're in the middle of working on it now, but it's not, nobody's doing it yet. The state's been looking at it for some time.

Ms. Rooney: And I guess the other thing is, just to outline what the advertising, what kind of advertising ---. I think that the advertising that the marijuana industry's doing right now is really leaning towards a no harm type of advertising. In other words, you look at the billboards and it looks completely safe and no issues, and that's a little different than other billboards that are out there. I'm not gonna say some drug companies don't advertise on, you know, tv and it looks like the drug is a great drug to have and that causes a problem, but in the spirit of two wrongs don't necessarily make a right, given, you know, I understand that we don't have it here now. I'm, I guess, more optimistic than you, that I think if you open the door, they will come for a location on the Pike or we've got a lot of great things in our community. I can see businesses wanting to do business here. So, my concern is that the more we advertise that message that it's not safe

and even the American Academy of Pediatrics, in what I have read, is concerned about that type of advertising that is being done and the message that's out there, I'm again concerned about the consumption among our young people. I'm concerned about the illegal consumption. I'm concerned about the legal consumption, you know, with them too. Whether they're getting it from another adult or whether they're getting it legally, illegally, the fear is, is that some of these products, especially the THC stuff, can really do some harm to them. And we're finding it really tough to get that message out there to parents and to kids. So, you know, again, it's just, once you open the door, there's no going back. And I don't have any regrets that we didn't get in early. I think that it was kind of a good thing for us, and we won't all know until way down the road, but I'm just a little concerned about the advertising and restrictions that might be put on the advertising.

Mr. Coelho: The only real thing we have to say about advertising is sign location and design of the stores. That's really the only control we have over advertising. We don't, you know, we don't have any billboards in town.

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Mr. Phoenix: Well, I mean, Big Y's got the billboard that they have next to the bank.

Mr. Coelho: Oh yeah.

Mr. Phoenix: But, I mean, that's, Big Y owns that billboard, so I think that's ever really only gonna have Big Y stuff on it.

Mr. Coelho: When it comes to our planning regulations, we tell them where they can put a sign and where they can't put a sign and how big it's gotta be and whether or not it blocks traffic view.

Mr. Phoenix: But, I mean as far as, you know, advertising and stuff goes, I'm very sympathetic to that. I think, I understand your concerns about the subject matter and everything, but in general, I'm not a big fan of most advertising and marketing industry stuff at this point in time. I think a lot of it is misleading and downplays the risks. I think that's what we saw with cigarettes for years and years and years was, you know, try and play up some thing about them that sounds good that might sound like it could possibly be healthy or nice and downplay all of the other stuff. So, I certainly understand that, but like Chris said I don't know that there's a whole lot of advertising that would be going on from a Planning Board perspective, but I don't know what other people might be doing. For all I know, maybe they're looking to, I don't know, maybe I'm dating myself, but they used to do the things like at Burger King and stuff from people taking out ads on them, on the trays, but I don't know. I don't know what the marketing on that would look like or how that would be, but again, I think relative to what this does, I don't think it's gonna change anything for Ludlow because people who would have legal access to it, if we have the establishments in town already have legal access to it without going very far out of their way. And if we're talking about people with illegal access, that's a whole separate kettle of fish.

Mr. Stefancik: I think other than a sign, I mean, there's no promotional materials permitted outside the building, just a sign and that's it.

Ms. Rooney: --- seems like a very open ended --- proposal.

Mr. Coelho: I mean everything we're putting out here is just related to planning, where we can put them, what they need to do to maintain consistency with state law, and our local laws.

Ms. Rooney: Is there any limitation on how many?

Mr. Coelho: No. I think that's a market, that's a market thing.

Mr. Carpenter: I think the Selectmen can also do what they want on that because they have to sign a host agreement and there's all these community outreach meetings and stuff like that that they're gonna have to do to start the process.

Mr. Queiroga: Another thing I haven't seen, there's no provisions of this law to help people who get addicted to.

Mr. Coelho: I think it's proven to be non-addictive.

Ms. Rooney: Oh, that's not true. That's absolutely not true 100%. I mean, I think that's ---.

Mr. Coelho: I'm not here to argue that.

Ms. Rooney: ---

Mr. Coelho: But there are --- treatment centers, and actually one was found in this town already, so. And people are trying to fight it, you know?

Mr. Phoenix: As far as other stuff in here because I think one of the things that really warrants mentioning, I know we reorganized some of this to kind of put some things right up front. So, just to highlight out of the requirements: 6.11.1 and this is just mentioned, no special permit shall be granted without first having an executed community host agreement with the Town of Ludlow Board of Selectmen. So, that's where that needs to go, through there. No special permit application shall be deemed complete by the Planning Board until a community outreach meeting has occurred in accordance with 935 CMR 500. Again, as mentioned, there are things in here like 6.11.3, that they have to conform at all times with General Laws Chapter 94G in regulations issued thereunder, and that they shall conform at all times with General Laws Chapter 94I and regulations thereunder. And it goes on from there. It does, like we mentioned, say no marijuana shall be smoked, eaten, or otherwise consumed or ingested on the premises. There are provisions for things like needing traffic studies and all that, but one thing that might be easy to overlook, where did it go, where did it go, where did it go, an operation plan including a description of all activities to occur on site; adequate floor plans and evidence to support the required findings of this bylaw, and 7.0.4 Special Permit Criteria shall be submitted with the application. In a case where any other uses proposed within the establishment and or the MMTC, plans shall demonstrate how any public marijuana distribution area sufficiently --- and secured from any other areas. But this does require in all districts where we'd be looking to allow it, a special permit. Which special permit is something that in addition to giving us a plan showing where they want to put up the building, where the sidewalks are gonna be, the signs, all of that stuff, they have to meet those criteria. There's thirteen items in there that all include how it's going to be situated for the business, what kinds of things are going on there. And also, as part of that process requiring a special permit, when they come in they talk to us, or in other special permit cases, other special permit granting authorities, the authority is able to put conditions on that special permit and say, ok, you can have the special permit, but in order to have it, you have to do X, Y and Z to make this something that we feel is an appropriate fit for

the neighborhood. So, we have more control on the town side because it is under that special permit umbrella as opposed to just site plan approval like a lot of other businesses in town.

Ms. Rooney: I'm just thinking of Northampton where they're now trying to restrict the number after having so many places open.

Mr. Queiroga: They definitely ---.

Ms. Houle: Would that be in their host agreement how many they can have? I don't know.

Mr. Queiroga: What's that?

Ms. Houle: Would that be in their host agreement how many facilities they can have?

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Mr. Phoenix: I would think it's got to all be negotiated and all that.

Ms. Rooney: So, from just a standpoint on the education piece because cannabis use disorder is what someone else might refer to as an addiction. It's the terminology that they use --- 17% of youth who use marijuana will develop a cannabis use disorder according to the American Academy of Pediatrics. So, to say it's not addictive, that's where we get dangerous. If kids start using it at a young age, 17% of them may become addicted to marijuana or they'll turn to other substances. It's no different than if they start drinking alcohol, but it is addictive and it can change their brain chemistry when they use it at a young age. And, you know so, as we're having these conversations, it's just as important to use it as an opportunity to educate ourselves and anyone that's listening, because there might be parents listening that might, you know, hear it's not addictive or it's not harmful, but that's not the case. That's a big concern we have as Care that the right information goes out there to understand what this is, and to understand, you know, whether or not we ---, again --- Chicopee ---. But, you know, what does Ludlow want to be, I think is a question, but also making sure that there's not misinformation about what the harms are of some of this stuff. But I do appreciate what you guys do for the town. I know that you're trying to do good things at the heart and provide revenue, it's just a tough one.

Mr. Phoenix: Like Chris said, Cares does a lot of good work around town too. And I think it's also noteworthy, at least to some degree, that we're having this conversation tonight. It's a published public hearing and you're the only one that came in.

Ms. Rooney: Yeah, I got messages and emails asking if Cares would be here to talk about it. Maybe some people don't want to get into this discussion if it's gonna be combative or anything. It doesn't need to be that way. Again, I'm happy with the decisions that were made in the past. I think it was smart to wait. I'm not a full sense of urgency type person. I think everything happens when it's supposed to happen. But you know, it's a thing to look at, and I think if it doesn't pass now, we can look at it again. My concern is that there hasn't been enough education on what this is and what ---, that is my concern. But I appreciate everything you're doing.

Mr. Queiroga: I'm gonna thank you for coming in and giving us your comments.

Ms. Rooney: You're welcome. You guys have a great night.

Mr. Queiroga: Thank you.

Mr. Phoenix: Just to kind of clean up the rest of this, after going through all of that, and especially now that we no longer have anyone from the public.

Mr. Coelho: Ray, can I just, real quick? We're focusing so much on profit and money revenue generating and blah, blah, blah, I'm looking at it more as a perspective of choice and having the ability to do something that's legal. That's my philosophy on it. We've seen that prohibition doesn't work.

Mr. Phoenix: You think?

Mr. Carpenter: No different than putting in a brewery or a bar or something else.

Mr. Coelho: Or a CVS or a Walgreens or a…

Mr. Phoenix: Lots of things.

Mr. Coelho: And you didn't have this kind of regulation until the 60's.

Mr. Phoenix: But, you know, I agree with you, and I think that's part of the reason why when I started reading the reasoning, it kind of caught me off guard, 'cause that's most of what this says, but I'm also, and here's where the advertising, marketing, sales pitchiness starts coming in, I believe that the main reason that we should be making these changes is because there's no reason to not have these businesses in town at this point. I think the fact that we can get revenue from having them in town is a fantastic bonus but, I think for a lot of people, the revenue is more of the sales point than deregulation. And it's weird, because I don't know what town meeting is going to ultimately think is most important. I think that the reasoning that we're putting here needs to be cleaned up, not just in the grammar but, to your point, I think it needs to be a little bit more illustrative of the whole picture of the actual reasoning for this and what we're doing and why we're doing it and not copied and pasted from one item to the next. And hopefully town meeting will be able to read that and see what's going on. I can't at this point figure out what's going to get town meeting to see things the way that we do, but my hunch is given the conversations that are going on right now about town revenue and the budget and everything, I think there' gonna be a strong emphasis on trying to find things that can bring in revenue for the town.

Mr. Coelho: And that's fine, that makes sense. I agree with that, but I don't think that's necessarily the driving factor to allow something that's competitive and has a market. I mean, you can get it off the streets and into a regulated shop, I think, is the point. Let's not lie to ourselves, it's on the streets.

Mr. Phoenix: It has been.

Mr. Coelho: Without any education.

Mr. Queiroga: Do we have any other?

Mr. Carpenter: My thought would be it's almost safer to buy from a dispensary because you don't even know what you're getting on the streets now. Everything's laced with something, so.

Mr. Phoenix: But I don't know. I think we've had those conversations. We've talked about it, we went to the Selectmen, we talked about a lot of why we were looking to do this. There was some agreement, some skepticism. I'm surprised that we had the low turnout that we did today. I'm surprised in particular that we had the low turnout from other town officials that we did today. I am concerned that what that's gonna translate into is that when we get to town meeting, that's when everybody's gonna want to open their mouth and talk after not coming in and being part of the discussion here tonight. And I think that that is, you know, if people had other places they need to be, that's fine. We all have commitments, but I think if it's an issue that someone feels strongly about or wishes to look like they feel strongly about, they should have been here because talking about it at town meeting where it's difficult to course correct, to change the language that we're using in the bylaw text, I think that's somewhat disingenuous as far as open and honest conversation about what the needs of the town are and how best to serve them. That's too late in the game to have that conversation. It should have been happening tonight.

Mr. Coelho: Yeah, but unfortunately that's the process and we're doing our job by getting it there, you know?

Mr. Phoenix: I know. And like I said, that's my fear is that they're gonna still do that, but it would have been nice for people to show up tonight if they are going to be that concerned when it gets to town meeting, otherwise it really feels a little bit false to me. It feels a little bit like trying to turn what's best for the town into a game instead of trying to serve the needs of the town. But that's enough of my soapbox.

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Mr. Carpenter: Mr. Chairman?

Mr. Queiroga: Yes?

Mr. Carpenter: I make a **MOTION** to recommend approval for the second article, which is Section V Special Land Use Regulations deleting 6.11 Medical Marijuana Treatment Centers/Dispensary and inserting in its place 6.11 Adult Use Marijuana/Cannabis Establishments and Medical Marijuana Treatment Centers.
SECOND Mr. Coelho.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Phoenix: The next one:

ARTICLE: *To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow,* ***SECTION X: DEFINITIONS, by deleting MEDICAL MARIJUANA TREATMENT CENTER/DISPENSARY.***
Definition to be removed:
MEDICAL MARIJUANA TREATMENT CENTER/DISPENSARY: *shall mean a not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health as a Registered Marijuana Dispensary, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers. (Added 5/12/14)*

REASONING: *This would be removing an existing definition that will no longer be needed. The new definitions would have been adopted with the ADULT USE MARIJUANA/CANNABIS ESTABLISHMENTS AND MEDICAL MARIJUANA TREATMENT CENTERS article.*

Pass any vote or take any other action relative thereto. Submitted by the Planning Board.

Mr. Phoenix: I don't think I have anything else to add. I think from a reality standpoint, if our second article fails then we just postpone action on the third one. We just make that motion on the fly. In all honesty, it might not be a bad idea to have that already printed out before we walk in the door at town meeting, just as a we might be needing that for both number two and number three. I'm gonna make a **MOTION** to recommend approval on the third one at town meeting.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Phoenix: What I didn't see in here, and maybe I just missed it, was the Table of Principal Uses showing site plan approval, special permit. Is that on a separate sheet?

Mr. Coelho: From last week.

Mr. Stefaneik: Yeah, it was on.

Mr. Phoenix: I've got a whole blank page here, so that's probably where it is. 'Cause I've got six pages of text and then a page of white.

Ms. Houle: Yup, that's the page.

Mr. Phoenix read the article:

ARTICLE: *To see if the Town will vote to amend the Zoning Bylaws of the Town of Ludlow,* ***SECTION III: GENERAL USE REGULATIONS, 3.2.2 TABLE OF PRINCIPAL USES*** *by deleting the following land use classification entitled* ***"Medical Marijuana Treatment Center/Dispensary"*** *in the* ***GOVERNMENT, INSTITUTIONAL, & PUBLIC SERVICE*** *row of* ***TABLE I, LUDLOW TABLE OF PRINCIPAL USES and adding a new row SECTION III: GENERAL USE REGULATIONS: MARIJUANA / CANNABIS USES*** *and adding the following land use classifications "****Marijuana Cultivator," "Medical Marijuana Treatment Center (MMTC) / Registered Marijuana Dispensary (RMD)," "Recreational Marijuana Retail Establishment," "Marijuana Testing Facility," "Craft Marijuana Cultivator Cooperative," "Independent Marijuana Testing Laboratory," "Marijuana Product Manufacturer & Marijuana Microbusiness," "Marijuana Transporter" and "Marijuana Research Facility"*** *to the* ***MARIJUANA / CANNABIS USES*** *in* ***TABLE 1, LUDLOW TABLE OF PRINCIPAL USES****:*

LAND USE CLASSIFICATION	STANDARDS & CONDITIONS	RA-1	RA	RB	BA	BB	A	AMD	IA	IC	MRD
Marijuana/Cannabis Uses											

Marijuana Cultivator		N	N	N	N	N	N	N	SPA/SPPB	SPA/SPPB	N
Medical Marijuana Treatment Center (MMTC) / Registered Marijuana Dispensary (RMD)		N	N	N	SPA/SPPB	SPA/SPPB	N	N	SPA/SPPB	SPA/SPPB	N
Recreational Marijuana Retail Establishment		N	N	N	SPA/SPPB	SPA/SPPB	N	N	SPA/SPPB	SPA/SPPB	N
Marijuana Testing Facility		N	N	N	SPA/SPPB	SPA/SPPB	N	N	SPA/SPPB	SPA/SPPB	N
Craft Marijuana Cultivator Cooperative		N	N	N	N	N	N	N	SPA/SPPB	SPA/SPPB	N
Independent Marijuana Testing Laboratory		N	N	N	N	N	N	N	SPA/SPPB	SPA/SPPB	N
LAND USE CLASSIFICATION	**STANDARDS & CONDITIONS**	**RA-1**	**RA**	**RB**	**BA**	**BB**	**A**	**AMD**	**IA**	**IC**	**MRD**
Marijuana Product Manufacturer & Marijuana Microbusiness		N	N	N	N	N	N	N	SPA/SPPB	SPA/SPPB	N
Marijuana Transporter		N	N	N	SPA/SPPB	SPA/SPPB	N	N	SPA/SPPB	SPA/SPPB	N
Marijuana Research Facility		N	N	N	N	N	N	N	SPA/SPPB	SPA/SPPB	N

Mr. Phoenix: And then we have the table included for all those playing the home game, it is a lot of you still can't do that here and are also known as the letter N for most zoning. However, depending on the specific use, most of these things we do have as allowable with site plan approval and special permit Planning Board as was mentioned earlier in Industrial A & C and we do have in Business A & Business B, we have the addition of again, site plan approval and special permit Planning Board for medical marijuana treatment center, registered marijuana dispensary, recreational marijuana retail establishment, marijuana testing facility, and marijuana transporter. The rest of those are, again, only allowed in Industrial A & C. Reasoning provided: With the adoption of the Adult Use Marijuana/Cannabis Establishments and Medical Marijuana

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Treatment Centers Bylaw, the allowed marijuana/cannabis uses will need to be placed in the Table of Principal Uses. Pass any vote or take any other action relative thereto. Submitted by the Planning Board.

Mr. Carpenter: Any discussion?

Mr. Coelho: Again, this is linked with all the other articles.

Mr. Carpenter: Mr. Chairman, I make a **MOTION** to recommend approval for the updated table of uses, Table of Principle Uses for marijuana and cannabis uses.
SECOND Mr. Phoenix.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

Mr. Phoenix: MOVE to close the public hearing.
SECOND Mr. Carpenter.
5-0 in Favor.
Roll call vote: Mr. Carpenter – yes; Mr. Phoenix – yes; Mr. Coelho – yes; Ms. Houle – yes; Mr. Queiroga – yes.

The Public Hearing closed at 8:25 p.m.

APPROVED:

Joseph Queiroga, Secretary

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Documents: Draft Zoning Bylaw Changes May 2023 Town Meeting; Town of Ludlow Zoning Bylaws (October 4, 2021)

(Documents pertaining to this hearing are available for viewing in the Planning Board Office during regular business hours).