

Arlington Redevelopment Board
November 5, 2018, 7:30 p.m.
Senior Center, Main Room, First Floor
Meeting Minutes

This meeting was recorded by ACMi.

PRESENT: Andrew Bunnell (Chair), Andrew West, David Watson, Eugene Benson, Kin Lau

STAFF: Jennifer Raitt, Director, Planning and Community Development

The Chair opened the meeting at 7:30pm and turned to the first item on the agenda, Zoning Bylaw Amendment/ Medical and Recreational Marijuana Establishments. The Chair introduced a presentation by Jennifer Raitt and Erin Zwirko, Assistant Director of Planning and Community Development.

Ms. Zwirko gave the presentation, as follows:

-- Zoning for medical marijuana establishments was adopted by the 2014 Annual Town Meeting. Further articles were presented in 2016 and 2017, and in 2018, the recreational moratorium was extended to the end of 2018.

-- Policy checklist items for adult/recreational marijuana include: establish goals, working with the Marijuana Study Committee to come up with zoning amendments by the end of 2018, to Special Town Meeting in early December; determine license types and numbers; adopt zoning standards; establish a local selection process, working with the Marijuana Study Committee, the Select Board, the Arlington Redevelopment Board, and the Board of Health; and pass optional local sales tax, to be considered under Article 2 during Special Town Meeting in December.

-- Local board rules -- Arlington Redevelopment Board, Select Board, and Board of Health.

-- State agencies -- the Department of Public Health will transfer oversight of treatment centers back to the Cannabis Control Commission by end of 2018, consolidating regulation oversight under one agency.

-- Text of the warrant article.

Ms. Zwirko recognized four members of the Marijuana Study Committee present: Jordan Weinstein, Paul Czech, Kristina Cairns, and Dr. Sarah Augood. Committee meetings were attended as well by residents and town officials, including Natasha Wadon, the Director of Public Health; and APD Captain Julie Flaherty. Presentation continued:

-- Zoning amendments -- new categories were identified for recreational marijuana establishments; most communities adopt a K-12 five hundred foot school buffer; special permit requirement; cap on number of establishments; density limits between establishments; size of growth facilities; and consideration of additional buffer land uses.

-- Different types of marijuana establishments -- none allow on-site consumption; medical marijuana treatment centers are not considered recreational.

-- Proposed use categories/zoning districts based on similar uses in the zoning bylaw. B1 and B2 neighborhood business districts eliminated from consideration for all uses; marijuana production facilities limited only to B4 and industrial districts; and medical marijuana treatment centers expanded to B2A, B3, B4, and B5.

Mr. Lau asked whether the number of marijuana licenses issued was no more than twenty five percent of liquor licenses; Ms. Zwirko advised twenty percent, with a limit of two retail facilities. Mr. Lau asked whether growth facilities require a minimum ten thousand square feet; Ms. Zwirko advised five thousand.

Mr. Watson expressed appreciation for the Marijuana Study Group, and wanted to address questions as well as typographical issues. The Chair advised typos be redlined for review.

Mr. Watson broached the following questions:

- The definition of “marijuana retailer” appears inconsistent – first sentence authorizes sales to consumers, second sentence prohibits same. Ms. Raitt explained that in-store purchase is permitted but delivery is not. Mr. Watson recommended clarifying this.
- combine the first two sentences defining “marijuana research facility” into one? Ms. Raitt stated the language is from state law, and the sentences can either be merged or separated.
- “tier one marijuana cultivator” is not a defined term. The Chair advised this is defined in state regulations but not in the town bylaws.
- Sections 5 and 6, tables: some items appear in the definition section but are missing from tables, e.g., “microbusiness,” “cultivator,” and “marijuana manufacturer.” Ms. Raitt stated they are under the umbrella of uses, but offered to call out the specific items. Mr. Watson stated he wanted to avoid confusion, as there are a number of different establishments under consideration.
- Section 8.3, standards for marijuana uses: Why did the Committee choose different buffer distances for recreational facilities and libraries? Ms. Raitt stated she will address this, and also let the two Committee members present answer as well. Ms. Raitt stated that too large a buffer would zone out this use, and different buffers allow marijuana businesses to be better distributed across zones.
- Minimum distance between marijuana retailers and treatment centers to be two thousand feet: Would this extend to other marijuana businesses? Ms. Zwirko replied they focused on these facilities because they sell directly to the public.

Mr. Benson also commended the Committee. He broached the following questions:

- Page 4 of the draft, Tables, Section 5.6.3: Why are facilities limited to industrial zone only, and not multiuse or planned development? Ms. Raitt stated this zone was typically selected across the state, but other zones may be available. As of now, only industrial is being proposed.

A female audience member stated special permits also granted to B2-B5 districts. Ms. Raitt agreed. The Chair requested public questions/comments wait until after Board comments.

- Clarification of distances between marijuana retailers and treatment centers: Contradictory language states they cannot be within two thousand feet of each other but can be collocated. Does this mean retailers cannot collocate with other retailers, and treatment centers with other treatment centers? Ms. Raitt referred the question to Ms. Zwirko, who stated this buffer referred to two retailers or two treatment centers, and agreed that the collocation language needs clarification.

- Why a cap of two on the number of special permits? Ms. Zwirko stated this was appropriate for the “Yes”-vote community, but could be increased. Ms. Raitt elaborated that this number is a reflection of the Study Group’s respecting the interests both of the marijuana establishments and the communities; and that two permits are based on state

regulations. Mr. Benson stated he was not sure what the right number of permits should be, but not sure that two is the right number, either, and why there would be fewer marijuana permits than alcohol permits. He requested rewording if final limit will be two permits.

The Chair thanked the Committee. He asked whether the twenty percent amount is specifically for recreational facilities, excluding treatment centers. He then asked how the Committee came to define buffers relating to town recreational facilities. Ms. Raitt stated recreational facilities are not the same as open spaces. Ms. Zwirko stated that the focus on playgrounds and recreational facilities came out of conversations regarding specific active facilities, e.g., Boys and Girls Club, where teens might gather, as opposed to libraries, which would have a younger clientele.

The Chair stated this partially answered his question. He stated most zones would not be affected, and they're adding a possibly unnecessary layer of complexity.

Ms. Raitt stated there were lengthy discussions of buffer zones, and this was the consensus, but further exploration re changing the buffers is possible.

The Chair invited public comment. Arlington resident Paul Czech took the podium. A registered marijuana user due to neurological issues, he stated he is interested in getting disabled individuals working at the marijuana facilities. He stated that the comparison between alcohol and marijuana facilities is valid and that marijuana facilities would not reflect badly on the community but would remove the marijuana black market and help law enforcement. He stated all legitimate community concerns have been addressed in the proposed amendment.

Arlington resident and Marijuana Study Committee appointee Jordan Weinstein took the podium. He is a Town Meeting member as well. He agreed with limiting the density of the marijuana facilities to soften "inevitable" opposition at Town Meeting by those who are against marijuana facilities anywhere in Arlington. He stated there might be a problem with equalizing marijuana and liquor stores, because if liquor stores want to expand, marijuana facilities might request the same, and there would be pushback against the liquor stores caused by the marijuana facilities.

Mr. Weinstein commended the work of the Committee, as well as the compromise reached regarding the buffer zones. As to the two sentences referenced by Mr. Watson, he did not think it is necessary to combine them into one sentence. Regarding location/collocation/saturation, he stated retail establishments should be treated differently from medical because of the collocation problem, and the language needs to be clarified to avoid future questions as to intent.

Chris Loreti took the podium. He stated he is confused because the bylaw change has preceded the policy. Ms. Raitt stated the Marijuana Study Group established policy goals and timelines, and by December 31, the regulations need to be in place because the moratorium will end. She stated the report from the Committee is the bylaw draft, and all meeting minutes and agendas are on the town web site.

Mr. Loreti asked why there is only one bylaw amendment when in fact they are amending an existing bylaw and creating new regulations for a new use -- why not separately? Ms. Raitt stated they filed the warrant as one article, as in previous years, and this was approved by Town Counsel.

Mr. Loreti asked what the rationale is for changing the existing regulations pertaining to medical marijuana facilities, since there is already a facility due to open shortly. Ms. Raitt stated this is to add new districts where these facilities can operate. The other amendment is to [strike] the nonprofit facility language, in keeping with state regulations.

Mr. Loreti stated they would be adding a buffer zone, and Ms. Raitt replied that this is correct since there is no buffer zone in the existing bylaw, in keeping with the initial intentions of Town Meeting.

Mr. Loreti requested the Board divide the question into two votes before Town Meeting, one pertaining to medical facilities, the other to recreational. The Chair stated he would take that into consideration.

Mr. Loreti stated that under the existing bylaw, retail is prohibited in the industrial district. Why should marijuana facilities be different from any other type of retail? Ms. Raitt replied that either mixed or independent use is discouraged, but is allowed, which includes retailers. Mr. Loreti stated stand-alone drug, liquor, and grocery stores are currently not permitted in industrial districts, and the same should apply to marijuana.

Mr. Loreti was concerned about the twenty percent permit translating to 1.2. Ms. Raitt advised this was rounded up to two permits.

Mr. Loreti requested they continue the meeting to Wednesday 11/7 for the benefit of absent Town Meeting members. The Chair put this before the Board. Mr. Lau motioned, and Mr. Watson seconded. Ms. Raitt stated meeting would be held at 8pm.

The Chair moved to the next item on the agenda, Environmental Design Review (EDR) Special Permit - John Erickson for Meineke Muffler at 20 Massachusetts Avenue.

Clark Thompson came before the Board, stating Meineke's request to install two new wall signs, one in front and one on the side, replacing two existing sign boxes. Mr. Thompson discussed dimensions and illumination.

Mr. Lau asked if window signage would be removed. Mr. Thompson confirmed, and stated there would be no extra signage.

Mr. Watson asked if existing sign is internally illuminated. Mr. Thompson said yes. Mr. Watson was also concerned with the window sign, but he was satisfied with that discussion. He stated proposed signage is a big improvement over the existing. Ms. Raitt added, in Section G all existing signage will be removed.

Mr. West moved to approve Docket 3580. Mr. Lau seconded. Board voted unanimously in favor.

The Chair moved to the next item on the agenda, sign changes at Arlington Laundry Village at 807 Massachusetts Avenue. Mr. Thompson stated the owner wished to install a wall sign similar to others on the building, and described the dimensions and style.

Mr. Lau asked if the owner would reconsider the yellow background color, which does not blend in. Mr. Thompson stated the color is more ivory than yellow. Others stated the color looks yellow. Mr. Thompson had brought an aluminum sample with the ivory color, which the Board agreed was not yellow.

Mr. Lau stated the sign looked larger than others in the area. Ms. Raitt clarified that the point size of the lettering appears larger due to Photoshopping, and it is the same size as other signs. Mr. Lau stated he approved. Mr. Watson confirmed Photoshop made the font seem larger, but that it does conform. He asked why not go with white to be consistent with other signs. Mr. Thompson stated will comply if this is necessary, but owner prefers the ivory. Mr. Watson stated the color would make the proposed sign more prominent than others on the building.

Ms. Raitt stated the beige would soften the contrast a bit. Otherwise it conforms to other signage. Mr. Watson stated he will not insist on the color change. Mr. Thompson agreed to make the framing consistent.

Mr. Watson moved to approve the signage, with conditions as stated. Mr. Lau seconded. Board voted unanimously to approve.

The Chair moved to the next item on the agenda, Appointment of Housing Plan Implementation Committee members. The Chair stated he reviewed applicants' resumes and would have no problem appointing the entire slate. Mr. Benson asked how many openings there were, and Mr. Raitt replied they would need all members to join, and all would be recommended.

Mr. Lau stated a couple of applicants are new to the town. Ms. Zwirko stated that Elise and Elisa had the right backgrounds for the committee.

Mr. Benson also stated some misgivings about one of the new applicants' lack of expertise. Mr. Raitt stated they need members with different backgrounds, and the new members may have experience that current members do not.

Mr. Benson moved to appoint Elisa Hupp, Elise Selinger, Karen Kelleher, and Syri Silberman to the Housing Plan Implementation Committee. Mr. West seconded. Board voted unanimously to approve.

The Chair requested motion to adjourn. Mr. West so moved. Ms. Raitt asked what would be needed for the next meeting. Discussion followed. Mr. West again moved to adjourn. Mr. Lau seconded. Board voted unanimously to adjourn.