

**RETAIL MARIJUANA COMMITTEE
MEETING MINUTES
Wednesday, July 11, 2018 at 7:00 PM
Veterans Memorial Building Room 130
900 Main Street, Millis, MA 02054**

CALL TO ORDER: Chair Nicole Riley called the meeting to order at 7:00 pm. The following persons were also present: David Schofield, Katherine Feodoroff (Attorney with Mead, Talerman & Costa), James McCaffrey, Joyce Boiardi and Christine Maltinsky,

Christine Maltinsky asked why the Committee is no longer part of or involved in the Zoning and nuisance bylaws. James McCaffrey addressed the question and stated that the zoning bylaw that has been presented to the Town and acted on at Town Meeting was supported by an insufficient majority vote. It is the Board of Selectmen's point of view that the work to be done going forward was to attempt to answer some of the concerns and questions with regards to the Town's ability to monitor and regulate any entity that was growing marijuana plants at 1073 Main Street and that the bylaw would again be presented again at the Fall Town Meeting. The Planning Board will be undertaking some of the primary activity on the next steps of the bylaw and will be discussing at their next meeting in August. Mr. McCaffrey stated that it is still important that the Retail Marijuana Committee is involved with all aspect of the zoning and nuisance bylaws.

Chair Riley informed the Committee that Katherine Feodoroff (Attorney with Mead, Talerman & Costa) and John McVeigh, Director of Public Health were present to address questions and concerns. Mr. McVeigh made a statement with regards to 2 issues: noise and odor. He stated that it is the Board of Health's opinion that controlling, especially the odor part at a facility is critical. Confining it in anyway possible is key. Outside of that it becomes very subjective. If there's no criteria it would become difficult for enforcement.

Chair Riley asked Ms. Feodoroff her opinion whether the Committee should be establishing odor and noise nuisance regulations specific to marijuana or address it as a general bylaw for the town. Attorney Feodoroff stated that the town has a couple of considerations: 1. You can make it more specific but in her opinion was that they should make it a general bylaw. It depends on what the public is interested in passing. She stated that it up to the Committee's discretion. She also shared her legal knowledge on the noise and odor issues and what the Town could enforce. 2. Bylaw vs. General regulation. Attorney Feodoroff stated that they have 2 options: create a general bylaw or create a zoning bylaw. She also reviewed some of the things they should consider when making their decision. Committee member Christine Maltinsky asked Ms. Feodoroff if she could get some examples of similar Town's like Millis to see what they've implemented.

James McCaffrey left the meeting.

Attorney Feodoroff made some recommendations with regards to the nuisance issues and what type of bylaws the Town could implement. She also reviewed what the Board of Selectmen's and Board of Health's requirements are with regards to regulating and licensing.

Ms. Riley mentioned that the regulations and the zoning bylaws should not be combined and that the regulations would be listed separately at town meeting and will be voted on separately.

There was discussion about public consumption and how the Police impose citations.

Ms. Riley stated that they should focus specifically on bylaw vs. general regulations and Attorney Feodoroff discussed some of the differences.

The Committee asked Attorney Feodoroff to compose a memo directed to the Board of Selectmen and Board of health with regards to which board should be responsible for the regulations on nuisance/odor marijuana issues.

Ms. Riley noted that one of the other concerns the Committee has is that they don't want to see establishments fail to maintain equipment: what kind of fees or actions could the town enforce to non-compliance. Attorney Feodoroff suggested that the town could revoke licenses.

Attorney Feodoroff also stated that she would provide the Committee with some **sample** regulations that they could review. She talked with the Committee about the changing marijuana industry and that it would be better to establish a general bylaw which gives some parameters but not specifics and then could modify through regulations which would give some boards the authority to promulgate regulations. There was much discussion with regards to odor and noise nuisance.

Chair Riley brought up the next issue of public consumption. She stated the Police Chief's has concerns with regards to disposing of marijuana and would like to see a local law for the procedure if someone is caught consuming marijuana in public. Attorney Feodoroff stated that they can have a local public consumption bylaw subject to a fine. There was discussion on how much a fine could be to make the deterrent much stronger. They also discussed marijuana edibles and how it would be difficult for the police to detect and enforce.

A resident voiced his opinion on the subject.

Attorney Feodoroff stated that the Board of Health would need to start looking at implementing regulations for overseeing compliance for facilities to determine if they are compliant with sanitary codes etc. She will send some samples for them to look at. She also stated that the CCC will be providing training for the public health inspectors.

Attorney Feodoroff closed by stating the following list that she is working on:

- She will forward licensure bylaw which is complete
- Compose letter with regards nuisance regulations: BOH or BOS?
- Bylaw submitted by the Police Chief

The Committee decided that the next meeting will be August 29th at 7:00pm.

Board of Health Director, John McVeigh, made one last comment about the potential of hiring experts or consulting firms should there be any litigations for non-compliance issues with facilities and how the town would pay for these services.

ADJOURNMENT

David Schofield motioned that the meeting be adjourned at 8:45pm. James Borgman seconded the motion and it passed unanimously.

Respectfully submitted by: Maureen Canesi