

Advisory Committee Meeting
Town of Foxborough
Wednesday April 6th, 2022

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TOWN CLERK

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In Attendance: Paul Ivanovskis, Jack Martin, Dan Peterson, John Mahoney, Marlowe Farrar, Rafaella Zizza-Feinstein, Mike Brown, and Eric Delisle

FOXBOROUGH, MA 02035

Outside Attendees: Leah Gibson; Pat Costello, Bill Keegan, & Paige Duncan (Remote)

Minutes: Taken by Dan Peterson

7:05 p.m. Paul I. We'll begin with Discussing the Marijuana Articles

Leah G/Paige D – Presentation for two marijuana articles given (can be found on town website). Opened up for questions.

Marlowe – What is the purpose of the community outreach meeting? **Pat C:** Give people in the town the chance to have their questions directly addressed by the business.

Jack – Who is responsible for setting that up and paying for the associated costs? **Pat C:** The applicant will plan the meeting and distribution of the outcome to residents.

Mike B. - The Bylaw says that a lease is needed first before applying. Is that practical? **Pat C:** State law describes the “control of process” needed for the CCC to consider an applicant; this is a practical benefit for the town.

John M – Is there a recommendation from the Town for the Host Community agreement? Is that the discretion of the Town Manager? **Leah G:** We could give Bill K the power to act on our behalf, but we definitely wouldn't. **Bill K:** Correct, I would not recommend that. A community issue such as this should be decided by the Selectboard.

John M – Is the initial negotiation in executive session? **Pat C:** No, this would have to be in open session.

John M – In regard to the impact fee, how does the town talk in open session with out losing leverage or bargaining power? **Pat C:** the impact fee must be calculated by documented costs that the town can reasonably expect to incur (extra police officer for enforcement, etc), but is usually a flat fee of 3%.

Mike B – There is some talk about legislation around this, correct? **Pat C:** Yes, the business owners are trying to remove this portion of the law to save money. **Bill K:** The current way it is written is that it is 3% for five years. **Leah G:** 3% of the gross sales is the maximum we can get.

John M – Is it 3% of total revenue? **Leah G:** Correct. **Bill K:** 3% comes back on top of the 3% would be 6% for the five years. **Pat C:** An additional 3% could be added at next town meeting for excise tax.

Paul I – And just to be clear on the public smoking portion, Chief Grace could push a no public smoking addition to the town code regardless of anything that does or does not get approved here, correct? **Pat C:** Yes, that is correct.

Rafaella – Cost wise, what goes into the calculating the community impact fee? **Pat C:** Any additional expenses the town incurs (examples: traffic mitigation, law enforcement, buffers to private properties).

Marlowe – Are the selectmen advocating for this? **Leah:** The Board informally made its position clear that it supports these articles without formally voting for/against them.

John M – How long can this be prohibited for? **Pat C**: The law initially has a temporary restriction on what was allowed but that has expired. The only reason we would need to go back to the town is if we wanted to restrict how many sales locations were allowed. **John M**: so, it is not like a 40B situation? **Pat C**: No, if you are rejected as an applicant, you can come back and try to apply again. Also, if the number of package stores rises to 20, we would update the number of licenses to four. **Paul I**: if the town votes it down, is there anything the applicants can to force our hand? **John M**: Exactly, my understanding of the zoning law is that if this is passed on a federal and state level, and we do not have a zoning plan in place, that the potential applicants can force our hand as to where they set up shop. **Pat C**: First, if the town votes it down, the Planning Board can bring it back to town meeting whenever they want. Second, that is correct, since there is already a state law allowing it, as soon as there is a federal law allowing it, the sale of pot is no longer a restricted activity, and the business applicants could apply to put a store wherever the town does not specifically prohibit it.

Jack: We have 10 package stores, so the 20% calculation results in 2 pot shops. If the number of package stores is increased to 11, the number of pot shops increases to 3 because the 20% calculation is rounded up. Correct? And does this same article affect personal cultivation? **Pat C**: Correct it would be rounded up. **Jack**: Would this article affect anyone's ability to grow plants behind their house? **Pat C**: No, this only applies to cultivation applicants to the CCC. **Jack**: And that's not the two sales locations governed by the CCC right? That is the unlimited number? **Pat C**: That is correct. **Leah G**: Pat, if we only have one applicant that is okay, but if we get a second applicant, we will need to complete the application process no matter what right. **Pat C**: yes, Leah's statement is correct.

Marlowe: This will take a 2/3's vote at town meeting, does anyone have a feel for how much opposition there will be? **Leah**: No, not yet. There will be an April 14th open meeting, that will be a good barometer, I have not personally heard much commentary either way.

Mike B: Does there seem to be a big demand for cultivation facilities in this area? **Pat C**: Not exactly, many of the outdoor cultivation facilities were located in western MA, lots of farms, fields, and open space. There are indoor facilities, but they require lots of land, energy, and water. I cannot really say what is a better fit, it seems to be on a town-by-town basis. The cultivators do not seem to be big problems for the host towns, the biggest issues are odor and nuisance control. **Leah**: It is worth noting that the person who approached the Selectboard did so with both sales and cultivation in mind. **Eric D**: It would seem to me that having both in the same general location would be an economically sound idea from a business practice standpoint. **Pat C**: Correct, but keep in mind a dual license would still need to be reviewed and approved by the Selectboard and the CCC. Either/or could stop both operations.

Paul I: What about a transfer of a license? Is it the same as a liquor license? Could a retailer buy a cultivator and thus the associated license? **Pat C**: they could but it is unlikely as they would have to go through the whole application process again.

ADCOM: Discusses pros/cons of articles including being late to the retail game as a town, the stringent conditions surrounding retail shops, not having the ultimate authority to continue to ban the sales locally in the future, safety, and competition for revenue in the future. **Motion**: Motion made to approve Article 21 as written, motion seconded, motion approved 6-2 vote.

Paul I – We will not be reviewing Articles 10-15 (Contracts) as we do not have any updated information and the contracts have not been agreed upon as of today.

Paul I – Additionally we will not be reviewing and approving the minutes for the last meeting as there are additional alterations that need to be completed.

Motion made to adjourn, seconded, passed unanimously.