

*Planning Board Approved 2.15.17*  
*Board of Selectmen Approved 3.21.17*

TOWN OF WENHAM  
Joint Meeting of the Board of Selectmen & Planning Board  
January 31, 2017  
Bessie Buker, School Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board & Committee members, a joint meeting of the Wenham Board of Selectmen (WBOS) and was held on Tuesday, January 31, 2017 at 6 pm in the Multi-Purpose Room.

The meeting was recorded with permission by HWCAM.

With a quorum present the meeting was called to order at 6:05 pm.

Selectmen Present: John Clemenzi Chair; Catherine Harrison, Clerk

Not present: Selectman Jack Wilhelm

Planning Board Members Present: David Geikie, Chair; Minot Frye; Stephen Kavanagh

Also Present: Peter Lombardi, Town Administrator; Margaret Hoffman, Coordinator; Catherin Tinsley, Recording secretary

Discussion of Potential Marijuana By-Laws and /or Ballot Questions

In November 2016, Massachusetts voters approved Question 4 to legalize recreational marijuana.

Town Counsel K & P Law, Attorney Carolyn Murry was present to review options for the Town as the result of the legalization of recreational marijuana.

Attorney Murry first noted that the way the ballot question was written/approved leaves enough questions for the State to extend the deadlines related to the question and a moratorium was enacted that no Retail Sales Licenses would be issued before July 1, 2018.

She observed if a town wants to embrace recreational retail sales, there is nothing for that town to do but wait for the State Commission to appoint a Cannabis Control Board and then review the Zoning Bylaws of their town.

But, if a community does not want such an establishment, there are some local options that may guard against such establishments from setting up business.

Legislation is not clear and is contradictory in places; this is perhaps the biggest stumbling block.

A town may restrict the number of establishments selling marijuana, similar to liquor licensing, but it is unclear if this is a zoning or general bylaw.

A town may draft its own wording for an article, but risks voting on language that could be different from the pending Legislation.

It was recommended that if a Town puts a question on the Town Meeting Warrant to either ban or restrict retail sales, that it be for both Zoning and General Bylaws; K & P interprets this to also be a ballot vote.

The Town has the option to wait until the State clarifies the issues; if this doesn't happen in time to adjust town zoning bylaw through town meeting, a moratorium may be reasonably granted; a moratorium may not be necessary if it is thought the ban would pass.

Wenham does not have any zoning bylaw for medical marijuana cultivation or dispensary which was approved 4 years ago; Medical Marijuana Bylaws have been adopted around the state.

Attorney Murry noted the importance for the town to understand what the community wants regarding this matter.

Proposed Revisions to Subdivision Rules and Regulations

Ms. Hoffman reviewed that the Planning Board has discussed updating the 1984 Rules & Regulations Governing the Sub-Division of Land. The recodification project has made it apparent there are discrepancies.

Once the updates are completed, the Rules & Regulations require a hearing but does not need Town Meeting Vote.

There are no changes proposed for the 2017 Town Meeting. Town and Zoning Changes are anticipated for the 2018 Annual Town Meeting.

The meeting adjourned unanimously at 7 PM

Respectfully Submitted By  
Catherine Tinsley  
2.15.17