

Minutes of Planning Board Meeting
Town of Whately
Town Offices
August 23, 2017

Members Present: Don Sluter, Nicholas Jones, Sara Cooper, Judy Markland, Helena Farrell

Attending: Brian Domina, Rich Pedersen, Geneva Pedersen.

Call to Order, 4:05 p.m.

The meeting was not recorded.

I. Hitchcock Brewing Retail Sales Response Letter

1. Background: On August 3, 2017 a letter was sent to Jim Hawkins that the Planning Board had received an opinion from Town Counsel stating that Whately's zoning does not permit Hitchcock Brewing to sell beer at retail by right at their farm brewery and that they should explore other zoning options in order to sell beer at retail. The Building Inspector subsequently issued the Pedersens a cease and desist order on the retail sales of beer at their farm brewery.
2. The Pedersens, Brian Domina, and the Board discussed the points of law on the situation, and the main position of the Pedersens is that they feel that the Farm brewery law gives them the right to sell beer at retail at the farm brewery. The Board agrees that the wording of that law appears to give them the right, but does not state that it supersedes local zoning. Brian Domina agreed to get clarification from town counsel and report his findings to the Pedersens.
3. As the Planning Board does not wish to deprive the Pedersens unnecessarily of making a profit, it was decided to instruct the Building Inspector to lift his ban until other avenues had been explored.
4. Nicholas Jones moved that the Board instruct the Building Inspector to lift the Cease and Desist order for three months or earlier if the zoning issues are resolved to permit the sales. Donald Sluter seconded the motion, and the motion was passed unanimously.

II. Old Business

1. Judy Markland brought up the zoning of marijuana, and thinks that we should make a few small changes to the bylaw to be consistent with the changes that the state legislature made to the agricultural exemption. More complete changes reflecting the legalization of recreational marijuana should wait until more information and guidance is available from the Commonwealth. The Table of Use needs to be modified to reinforce the fact that marijuana growing is not considered to be Agriculture. She also recommended adding wording to clarify that marijuana is not subject to the agricultural exemption to the

Medical Marijuana bylaw, and noted that this did not change limits on zoning for marijuana cultivation. Nicholas Jones moved that we hold a public hearing on the bylaw changes on September 19th. Sara Cooper seconded the motion and the motion was passed unanimously.

III. Adjourn: At 5:15 p.m., Judy moved to adjourn, Sara seconded, and the meeting was adjourned unanimously.

VII. Next Meeting Date: September 19, 2017

Documents reviewed (kept in the Planning Board files)

1. Letter from the Pedersens to Building Inspector James Hawkins
2. A copy of the proposed changes to the table of use and ~171-28.6 of the Whately Zoning Bylaws

Donald Sluter, Chair
Whately Planning Board