

Wilmington Planning Commission
Meeting Minutes

Monday, June 25, 2018
Meeting Time: 4:00 P.M.

Members present: Cheryl LaFlamme, Chair, John LeBron (by Phone) Meg Staloff, Angela Yakovleff
Craig Ohlson, Zoning Administrator
Scott Tucker, Town Manager
Gretchen Havreduk, Wilmington Works

Visitors: Bette Crawford, Michael A. Hatty, Mike Eldred, Susie Haughwort, Garret Hankanik, Tyler Hardy, Stephanie Zumbriski, Matai Engel, Talia Engel, Jen Betit-Engel, Christian Engel, Mark Hardy, Brian Pizzud, Shawn Vandal, Normand Vandal, Peter Wallace, Jamie Storrs, Tom Ganeiss, Jake Roberts, Stephanie Kathan, Gretchen Havreduk, Matt Horn, Veronica Horn, Mark O'Maley, Jesse Sohn, Jason Hathaway, Melanie Hathaway, Karen Molina, Jessica Lee Smith, Jim Wiesner, Kerri Anderson, Robin Stenner Anderson, Eric Durocher, Jamie Brunn, Cindy Hayford, Michelle Scott, John Redd, Erin Robinson, Scott Tucker

Open meeting

Cheryl called the meeting to order at 4:00 PM.

Possible additions to the agenda

No additions

Cheryl addressed the issue of a proposed Ordinance Prohibiting Drug, Vaping and Marijuana Dispensaries. She told the visitors that any action on this ordinance is not the purview of the Planning Commission as determined by John Bennett from Windham Regional Commission, but rather the Select Board. Since the item was listed on the Planning Commission agenda and since there were approximately fifty people in attendance, she would allow a statement of opinion from each person not to exceed two minutes.

Approval of minutes from 6/5

Meg made a motion to accept the minutes of the June 5, 2018 joint work session.

Cheryl seconded.

All in favor

None opposed

Public comments:

Jennifer Betit-Engel asked to clarify whether or not there is presently an ordinance. (There is none.) She wondered what the next steps would be. (We are here to determine that. If the town decides they'd like an ordinance, it will go to the Select Board. Cheryl explained the process this would take. It will need to be voted on by the public.

- Susie Haughwort explained the two types of ordinances.
- Scott Tucker explained the ordinance according to state law.
- A town's person asked, "Why are we making an issue out of this? Why do we need an ordinance?"
- Erin Robinson is against an ordinance.
- John Redd is disappointed we're discussing this. He asked why we want to place restrictions, why are we making things illegal that are legal?
- Another town's person said she doesn't understand why we are considering this.
- Robin Stenner Anderson agrees. She doesn't think anyone should mandate what we can and can't do in our homes. Why restrict something that is legal and helps people? It's "wrong to the bone." It's almost laziness in enforcing what is happening presently.
- Michael Hatty is against anything of this nature. As a chemo patient he uses CBD.

- Betty Crawford is a lung cancer survivor. She stated CBD oil is amazing in aiding breathing. It medically improves people's lives, for people with radical problems.
- Stephanie Zumbriski said a medical dispensary in Dover is in process. It is up to the town to vote. This decision shouldn't be up to a select group of people who work for the town. "Let's not put a law, an ordinance in that will force people to leave town."
- Tyler Hardy has been living in Medford, Oregon, a "hub of marijuana and CBD." There had been lots of ODs. There is a large percentage decrease in ODs once a CBD dispensary was passed. It's cheap and accessible and has no harmful effect. "Why would people try to make it illegal? Let's not stop a problem that hasn't happened."
- Mark Hardy had an injury and was put on pain pills. He talked to someone about CBDs and is now managing his pain with this. There is no high, no after effects. He recognized there is a problem with heroin here. We are offering an alternative that is safe and legal.
- Eric Durocher was attending to keep himself and his organization "on the pulse."
- Chief Joe Szarejko addressed the group saying "this ordinance got legs before it got out." He said a Town member presented him with the Ludlow ordinance and requested it be addressed in a town forum. Chief Szarejko passed it on to the Planning Commission. He feels anything we might adopt would not be as extensive as the Ludlow ordinance. He agrees town's people should have a vote. Marijuana will be legal as of July 1. He thinks the issue will eventually be brought to the legislature and we should get ahead of the issue.

Cheryl asked for clarification, "Isn't CBD legal?" (Yes, in every state.)

- Jessica Smith thinks this offers incentive to bring business to Town. She thinks the effect of CBD can be helping people and business. She feels alcohol is much more debilitating. To her CBD is not a drug. Vermont has been a lot more progressive than other states. She'd like to see it continue to be used in the correct way.
- Jim Wiesner thinks the Town has gone through a lot since Irene. As a long time resident, he thinks much of the discussion is "antiquated junk people have heard from 1930-2017. Town still has its head in the sand. The "drug" marijuana is not an issue. We need to NOT make it so. Wilmington is a tourist destination and we should not adopt an ordinance that may affect this."
- Melanie Hathaway is against the ordinance.
- Another towns person noted we have already lost one mountain, we've already lost the support the mountain gave Town businesses. We should bring the businesses to Town. This is an opening for the Town. [Not having an ordinance such as this] The Town and the mountain should work together.
- Matt Horn consults on issues with medical marijuana and CBD oil. He explained there are two different plants. People need to educate themselves. Wilmington is doing a good job. He cautioned we should think about what we are doing. He thinks medical marijuana will eventually go away. Recreational marijuana is the same marijuana. He is opening a business in Wilmington. He is willing to donate a percentage of CBD sales income to the police to help fight opioid and heroin use.
- Ronnie Horn "dittoed" her husband's statement. Her education is in horticulture. Growers want to bring out the best products to consumers. It should be highly regulated if it comes to this town.
- Stephanie Kathan owns a business where she provides energy sessions. She is pro CBD. She thinks there will be lost revenue to Wilmington's economy if folks have to go somewhere else to purchase it. It will greatly limit Town's revenue.

Marijuana is legal for medical use and in about a week will be legal for recreational use.

- Jenn Betit-Engel doesn't see it [sale of CBD] as a negative as far as sales. We should listen to the State of Vermont then come together.
- Christian Engel wants to educate and help. He loves Wilmington. He'd like to sponsor something with "hemp folk" to come down to Wilmington to educate. He thinks people should go in with an open mind. Proactively pre-educate. Let people read the State statute.

- Mark O'Malley uses CBD. We need to separate THC and CBD. To lump them together in an ordinance is irresponsible. He informed that Walgreen's would be selling cannabis soon.
- Jesse Sohn is here for the summer. He can't speak to the financial issue at this time, but feels an ordinance that would ban CBD would be exclusionary. We need to represent a larger group. Look holistically at the issue.
- Jamie Storrs, a resident of Marlboro, is against the ordinance. CBD can be used effectively for pain management. This ordinance is actually an attack on tax revenue.
- Todd Gareiss thinks anything that brings more tax dollar revenue should be adopted.
- Jake Roberts has seen benefits of CBD. He notices all the empty buildings in Town now. He thinks we need more diversity. Singling out a specific culture is discriminatory.
- Cindy Hayford works with youth in Town. She thinks discussing CBD oil in the same conversation as marijuana and the possibility of a dispensary in town is wrong. Exposing youth to marijuana as acceptable for them sends the wrong message. She is in favor of a similar (to Ludlow's) ordinance addressing marijuana.
- Shawn Vandal was able to come off opioids with CBD.
- Norman Vandal is opposed to an ordinance like this.
- Shelly Scott had used CBD to help stop consistent use of Advil. She knows hospice patients who have benefitted from CBD. She has seen and heard there is a rise in numbers of people who have been helped getting off opioids. She hopes the ordinance is not passed.

Cheryl asked if anyone on the Planning Commission Board had attended the WRC open meeting on law compliance? Meg plans to attend the June 27 meeting. Craig will register her.

Property Maintenance Ordinance

Meg revised the draft of the ordinance to address only vacant buildings.

A. Cheryl asked why we added "abandoned buildings" as well. We no longer are looking at a blight ordinance, but only talking about health and safety. Gretchen pointed out the definitions of abandoned and vacant are different. Meg said we can define for our purposes. After discussion, it was decided to strike the word "abandoned."

B. Meg double checked references referred to under statutory authority.

C. (1) add "but not limited to" after "including."

D.(2) We discussed the time allowed in complying with the guidelines set out before action was taken, 90 or 120 days.

Cheryl thinks 90 days is ample time.

(3.) Meg wondered if we are OK with vacant space.

(5.)The wording speaking to "trustees" was discussed. Cheryl noted we don't have anything else mentioning trustees. John said a trustee is appointed to manage property but there is still an owner. Cheryl recommended ending the sentence at "owners of record."

E. These are similar to zoning by-laws. By-laws are set forth by the State with specific steps to follow. Ordinances don't need lengthy enforcement procedures.

Scott suggested setting it up as first offense, second offense.

Craig said the zoning ordinance is stepped up.

Meg thinks we need to be more specific about time, 15 calendar days.

John asked when the 15 day clock would start? He suggested we talk through the process. Will the owner be fined during the 15 days? [No, only if not fixed.]

G. (3) will be reworded.

John left the meeting at 5:30 PM.

A date was selected for a Public Hearing on the Vacant Building Ordinance. It will be warned in the paper on July 5. The hearing will be set for July 23 at 5:00 PM. Gretchen thanked the Planning Commission for moving forward with this ordinance.

The July 9 meeting will be in Susie's or Scott's office. Wendy will be here.

Gretchen let us know the Natural Resources Board is holding forums on Act 250. There is one in Springfield on June 27 and another in Manchester on July 11.

Agenda items: Discuss #7, #8 of Vacant Building Draft
The Select Board hearing on the proposed Town Plan is set for July 10, 2018.

Adjournment

Angela made a motion to adjourn at 5:50 PM. Meg seconded.
All in favor
None opposed

Next meeting: July 9, 2018 at 4:00 PM.

Respectfully submitted,
Angela Yakovleff, scribe