

Holyoke City Councilors resolve pot ordinance typo



- Trulieve Cannabis Corp. on North Bridge Street (Rt. 116) adjacent to the Second Level Canal in Holyoke. Photographed on Thursday, Jan. 13, 2022. GAZETTE FILE PHOTO » [Buy this Image](#)

By [DUSTY CHRISTENSEN](#) 4/20/2022 [Story source: Daily Hampshire Gazette](#)

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HOLYOKE — The City Council has fixed a typo that has been on the books for around a year and effectively prohibited new marijuana manufacturing and cultivation businesses within city limits.

In a vote Tuesday evening, councilors unanimously passed an ordinance that requires a 200-foot buffer between marijuana cultivators and manufacturers and “any pre-existing public or private school providing education in pre-kindergarten, kindergarten, or any grades 1 through 12.”

That had initially been the intent of the City Council last spring, when councilors worked to reduce that buffer zone from 500 feet to 200 feet. However, for some reason the ordinance was instead printed to say that a 200-foot buffer was required from “any other use as listed in Table 4.3 Table of Principle uses” — a table that includes every conceivable land use possible in the city.

That scrivener’s error, as its known, effectively prohibited new cannabis manufacturers and cultivators from locating in the city’s industrial zone, which is the the only area those businesses are currently allowed to set up shop.

In order to change an ordinance in Holyoke, nine members of the 13-member City Council must vote in favor of the change. So late last year, when a majority of councilors attempted to change the scrivener’s error in the new ordinance, a group of five city councilors were able to block

those efforts. They cited air-quality and odor concerns that other nearby mill owners and other businesses had raised about marijuana manufacturers and cultivators in town.

Since then, the City Council has been approving special permits for those businesses, but letting them know that they should move forward at their own caution with the ordinance issue in mind.

The issue made its way back to the City Council's Ordinance Committee, which recently referred a fix back to the full City Council. And on Tuesday, the council finally had in front of it the legal forms necessary to move forward with changing the language.

Several city councilors attempted to pass an amendment to the ordinance that would have added residential areas to the list of places from which a cannabis manufacturer or cultivator must maintain a 200-foot buffer.

"I've been outdoor knocking," said Ward 2 Councilor Will Puello, who put the amendment forward. "The residents that I did speak to were absolutely in favor of the 200-foot buffer for residents."

However, the majority of the City Council ultimately voted the amendment down. In a split that has become common with the new City Council sworn in this year, four councilors voted for the amendment: Puello, Ward 3 Councilor David Bartley, Ward 5 Councilor Linda Vacon and At-large Councilor Kevin Jourdain. The rest voted against it.

"We see good jobs, we see good property tax, we see investment in buildings that have not seen investment dollars in decades," At-large Councilor Joseph McGiverin said. "This amendment sounds good, but in the big picture it is hurting the residential community as much as it is helping the residential community."

Some councilors did suggest that changes were needed to marijuana zoning in the city, though. At-large Councilor Israel Rivera noted that those businesses can only be located in the city's predominantly Hispanic lower wards 1 and 2 currently, which is "not fair" to those residents. And At-large Councilor Tessa Murphy-Romboletti said that the zones where those businesses can be located should be expanded.

"Cannabis has been good to our city, cannabis has brought money to our city," At-large Councilor Jose Maldonado Velez said. "The industry is here, so how do we make sure that our people are having access to this industry and this money and making money off of this. Because this country, this city in particular, jailed a lot of our people because of this plant that now white people in particular are making billions off of in this country."

Ward 1 Councilor Jenny Rivera said that she has not heard any complaints from her constituents or others in the lower wards about the smell of marijuana businesses. Puello, in turn, said that there are people who have expressed concerns.

"It's great for somebody that lives up in one of the higher wards to say, 'Well, you know, this is great for business,'" Puello said. "But we have to keep in mind the people who live there and have been there for a very very long time."

After the amendment failed, the councilors all voted unanimously to fix the typo, ending a saga that was a year in the making.