

MINUTES

WEDNESDAY – JULY 26, 2017 - 7:00 P.M.

(Town Offices – Second Floor, Land Use Conference Room)

MEMBERS PRESENT: William Oelfke (Chair), Sarah Widing (Vice Chair), John Gailey, William Lampros, Janet Tice, Barbara Yocum (Associate Member)

CALL TO ORDER - Chairman Oelfke called the meeting to order at 7:00 pm. He noted that the meeting was being voice-recorded and also being filmed by SPACO.

ANR APPLICATION – Parker Road (Map 72, Block A, Parcels 1.3 & 1.4)

Applicant and property owner Jeff Dusti appeared before the board to explain his application for an ANR at the above specified location. After reviewing the plans with the applicant, it was agreed that a more complete and detailed explanation was needed in order to determine whether or not an ANR is indeed required. Mr. Dusti requested that further discussion be postponed until the Aug 9 Planning Board meeting when he would arrange to have his attorney and/or engineer present to provide further information.

In order to properly prepare for the Aug 9 meeting, Mr. Oelfke requested that Mr. Dusti provide the board with a more accurate description of the parcel under discussion for use in the posted agenda since the description above does not appear to describe the parcel in question.

Ms. Widing made a motion to postpone further discussion of the ANR until Aug 9 as requested by the applicant. Mr. Gailey seconded the motion. Motion passes, 5-0.

DISCUSSION – Various bylaw changes for consideration at Special Town Meeting on Nov 13, 2017

Mr. Oelfke explained that the warrant for the above Town Meeting opens Aug. 7 and closes in mid Oct. Warrant articles must be submitted within this time window. He presented the following proposed bylaw changes for potential inclusion on the warrant:

- **Proposal for zoning bylaw creating a temporary moratorium on recreational marijuana facilities in the Town of Shirley**

Mr. Oelfke provided a draft of the potential bylaw entitled "Temporary Moratorium on Recreational Marijuana Establishments" crafted by Town Counsel KP Law. He explained that the purpose of the bylaw would be to allow the Planning Board time to determine whether zoning changes specific to "recreational marijuana establishments" are needed; and, if so, to draft such regulations for presentation at Town Meeting in 2018.

Mr. Oelfke also explained that a moratorium on recreational marijuana establishments is permitted because state regulations regarding such establishments have not yet been promulgated and thus the Planning Board has not been able to determine whether additional local regulations would be needed; and, if yes, what form they would take. The moratorium would be in effect through June 30, 2018.

The possibility of a similar moratorium on medical marijuana establishments was briefly discussed. Mr. Oelfke explained that this is not an option since state regulations for these

facilities have been in place for some time and thus the Planning Board has already had ample time to propose local zoning changes.

Mr. Lampros made a motion to propose a zoning bylaw for a "Temporary Moratorium on Recreational Marijuana Establishments" at the Special Town Meeting to be held on Nov 13, 2017. Ms. Widing seconded the motion. Motion passes, 5-0.

- **Proposal for amending the zoning bylaw to include medical and recreational marijuana facilities**

Mr. Oelfke provided a draft of the potential bylaw as a starting point. The draft was based on a bylaw adopted in Townsend covering medical marijuana facilities. During discussion, board members generally agreed that the bylaw we are proposing should cover medical marijuana only since recreational marijuana is being addressed by the proposed moratorium (with development of the recreational marijuana bylaw following enactment of the moratorium). As a result, Bill agreed to remove mention of recreational marijuana from the proposed bylaw, make additional changes suggested by Ms. Yocum for improved clarity, and distribute the new draft for review and continued discussion at the Aug. 9 meeting.

Ms. Widing then asked the following fundamental questions: Why are we proposing that the Town regulate marijuana establishments when we don't similarly regulate liquor stores? Are these regulations really needed? Or are our Protective Zoning Bylaws sufficient? After much discussion, board members agreed that we need more information and additional discussion in order to be able to answer these questions and decide how to proceed. Ms. Tice suggested inviting Shirley resident John Hillier to the Aug. 9 meeting as a "subject matter expert" since he owns a medical marijuana establishment in Ayer. Board members agreed. Ms. Tice will extend the invitation since she knows Mr. Hillier personally.

- **Proposal for amending the Stormwater Management Control Bylaw, General Town Bylaws, Article XXXII, Section 7.0 Permits and Procedures**

Mr. Oelfke provided a copy of the bylaw in its current and proposed, amended version as a starting point for discussion. The amendments proposed relate to the timeframes specified in Section 7.0 of the bylaw for (1) holding the required public hearing following submission of the application; and (2) start of development following closing of the public hearing. The amendments being proposed call for extending (1) from 21 to 65 calendar days; and (2) from 14 to 21 calendar days. Mr. Oelfke explained that these amendments were originally suggested by former Planning Board Clerk Pat Wojtas based on her experience with the process. Board members agreed that the timeframes currently specified are too short to be practical.

Ms. Widing made a motion to propose amendments to the Stormwater Management Control Bylaw, General Town Bylaws, Article XXXII, Section 7.0 Permits and Procedures as described above at the Special Town Meeting to be held on Nov. 13, 2017. Mr. Lampros seconded the motion. Motion passes, 5-0.

- **Proposal for amending the Protective Zoning Bylaws, Sections 7.3.4 and 8.5.2(a) (Site Plan Review/Special Permit)**

Mr. Oelfke explained that the amendments being proposed would separate granting of a special permit from site plan review. As currently written, the zoning bylaw requires that the Planning Board handle these simultaneously at a single public hearing, in cases where both are required. Presumably, the original goal was to streamline the process for the property owner and/or developer. During discussion, board members felt it would be preferable to review the special permit first, since the proposed use might not be approved. This would save the property owner and/or developer the time and money required to produce an engineered site plan and other studies. They also agreed that board members might feel pressure to approve the special permit

if the property owner and/or developer had already spent money on preparation of the site plan. On the other hand, developers probably appreciate the streamlined, concurrent process. Ms. Tice suggested that the Permitting Guidebook being developed by MRPC might help by encouraging applicants to approach this as a two-step process, regardless of the bylaw. Ms. Widing pointed out that the special permit and site plan could be included in a single hearing but the votes could still be handled separately, with the special permit vote occurring first. In light of the late hour and the need for further discussion, Mr. Oelfke agreed to produce a new draft of the proposed amendments, with wording changes as per Ms. Widing and additional changes suggested by Ms. Yocum, and distribute for review and further discussion at the Aug. 9 Planning Board meeting.

- Ms. Widing made a motion to continue discussion of the proposed amendments to Sections 7.3.4 and 8.5.2(a) of the Protective Zoning Bylaws at the Aug. 9 Planning Board meeting. Mr. Lampros seconded the motion. Motion passes, 5-0.

APPROVE MINUTES

(Note: Although the minutes of the meetings of June 14 and June 28 were approved at the meeting of July 12, Mr. Oelfke subsequently discovered that they had not been previously distributed for review by Board members. They are being re-voted tonight, following distribution for review.)

- **June 14, 2017** - Ms. Tice made a motion to approve the minutes of the meeting of June 14, with the correction noted by Ms. Yocum. Ms. Widing seconded the motion. Motion passes 5-0.
- **June 28, 2017** - Ms. Tice made a motion to approve the minutes of the meeting of June 28. Mr. Lampros seconded the motion. Motion passes 5-0.
- **July 12, 2017** - Ms. Tice made a motion to approve the minutes of the meeting of July 12. Ms. Widing seconded the motion. Motion passes 5-0.

ADMINISTRATIVE MATTERS

Mr. Oelfke reported that the process to hire a new Planning Board Clerk is well underway. A full-time position has been advertised and several individuals have applied. The position is full-time and includes support for the Town Clerk, Assessors Office and ZBA, as well as the Planning Board.

Ms. Tice mentioned that Karen Chapman of MRPC had promised to update us on her progress on the Permitting Guidebook she is preparing for the Town. All agreed the Aug. 23 Planning Board meeting would be appropriate for the update. Mr. Oelfke will contact Ms. Chapman and make the arrangements.

ADJOURNMENT – M/S/V to adjourn this meeting at 8:50 pm.

Minutes prepared by: Janet Tice, Planning Board Member

Accepted: _____ August 9, 2017