

**MINUTES**

**WEDNESDAY – AUGUST 23, 2017 - 7:00 P.M.**

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

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

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

**RECOMMENDATION Road Acceptance for Morse Circle – John Deloury**

Robert Oliva of Ross Associates and Mr. Deloury appeared before the board to formally present their proposal for road acceptance for Morse Circle. Mr. Oelfke noted that the Board of Selectmen (BOS) voted to proceed with the road acceptance process at their meeting on August 21. The remaining steps are as follows (in chronological order): formal deliberation by the Planning Board (tonight), nonbinding recommendation by the Planning Board (tonight), public hearing by the BOS (September 19) and vote at Special Town Meeting (November 13). Mr. Oelfke reported that DPW Foreman Paul Farrar had “no issues or objections” with the proposal for road acceptance, as per his memo to the BOS of August 16, 2017.

Mr. Oliva again reviewed the engineering and as-built plans for Morse Circle and answered board members’ remaining questions. Board members agreed to proceed to a vote on whether or not to recommend road acceptance for Morse Circle.

Ms. Widing made a motion to recommend road acceptance for Morse Circle. Mr. Gailey seconded the motion. Motion passed, 5-0.

**DISCUSSION Town of Shirley Permitting Guidebook – Karen Chapman, MRPC**

Karen Chapman of the Montachusett Regional Planning Commission (MRPC) was present to review the first draft of the “permitting guidebook,” funding for which has been provided by a District Local Technical Assistance (DLTA) grant. Ms. Chapman had emailed a copy of the draft to Mr. Oelfke who forwarded it to board members for review prior to the meeting. Tonight she distributed three additional items:

- an example of the draft text with graphics added;
- a table entitled “Permit Matrix” which summarizes info regarding which boards, commissions, etc. are responsible for permitting each type of project; and
- a blank template for a table entitled “Zoning District Use Matrix” which would summarize the “by right” uses and those requiring a special permit for each zoning district.

After a brief introduction, Ms. Chapman invited input from board members and members of the public in attendance at the meeting. Regarding the handouts, board members felt that the matrices would be helpful additions, since they present crucial information in a condensed, user-friendly format. They also endorsed the use of graphics, as in the example, to help break up the text-heavy document; and sidebars to highlight and summarize key points.

Ms. Tice felt the document might not be easy for users to navigate in its present form and felt there needed to be an easy way for homeowners and developers to identify the steps they would need to

follow. She suggested using the "Permit Matrix" – with the addition of page numbers – to assist users. Ms. Widing suggested a simple Q&A approach might work, especially for homeowners who are unfamiliar with the permitting process. Board members alerted Ms. Chapman to the fact that bylaws covering storm water management, fences and signage are contained in the Town's General Bylaws, rather than the Zoning Bylaws. Ms. Tice asked whether a permit or other authorization is needed for tree removal on private property. Ms. Chapman agreed to look into this further and include any applicable Town or state permitting requirements. Ms. Yocum requested that the guidebook make clear that it is meant to assist homeowners as well as contractors and developers. She also requested that the guidebook be available as a hardcopy which would include the various permit applications, etc. for those without online access. Lastly, she requested that all acronyms be spelled out, at least the first time they are used. Mr. Oelfke mentioned that the Planning Board may be proposing changes to the zoning bylaw and provided Ms. Chapman with the draft wording.

The board then went through the draft document, page by page, to answer the questions and discuss the comments Ms. Chapman had highlighted in the copy distributed for review. During this discussion, audience member Betsy Colburn pointed out that the Historic District Commission needs to be included in the guidebook since it is responsible for issuing a "certificate of appropriateness" for changes in historic districts (of which Shirley has two) which are visible from a public way. She also pointed out that site plan review process requires that the applicant provide extensive, detailed information regarding their project, unless waived by the planning board prior to the hearing. Ms. Chapman agreed to add verbiage stressing that a preliminary discussion with the Planning Board should be scheduled by the applicant prior to the public hearing. At the conclusion of the discussion, Ms. Chapman had the various answers she needed or had been referred to the appropriate resource for further follow up.

Ms. Chapman agreed to attend the October 11 meeting to present the final draft of the document.

#### **DISCUSSION – Review Draft Open Space and Recreation Plan (OSRP) – Betsy Colburn**

OSRP Committee Chair Betsy Colburn and committee member Trish Garrigan were in attendance to present an overview of the draft OSRP, answer questions and request the board's endorsement. The OSRP is a detailed document with much of its content dictated by the state. The current draft is based on an earlier version submitted to the state in 2014 and returned to the Town for "additional work." The new plan, once approved at Town Meeting and accepted by the state, will form the basis for future open space planning and qualify Shirley to apply for a variety of state grants. It includes a detailed inventory of Shirley's open space and recreational lands, broad goals identified by the committee based on input from Shirley residents, recommendations for the future and an implementation plan spanning a seven-year period, all of which were reviewed by Ms. Colburn. With respect to the implementation plan, Ms. Colburn took care to highlight areas that require Planning Board involvement.

Following her presentation, which incorporated Q&As and discussion, Ms. Colburn asked for the support of the Planning Board to include:

- formal endorsement for the OSRP; and
- re-establishment of the Town's Open Space and Greenway Committee to oversee implementation of the OSRP and management of the Town-owned open space lands.

Ms. Colburn also requested a formal "letter of support" from the Planning Board. Ms. Tice agreed to draft the letter and email it to Mr. Oelfke who will add it to the agenda for the meeting of September 13.

Ms. Widing made a motion to recommend approval of the OSRP. Ms. Tice seconded the motion. Motion passed, 5-0.

Ms. Widing made a motion to recommend re-establishment of an Open Space and Greenway Committee. Mr. Gailey seconded the motion. Motion passed, 5-0.



Audience member Jim Quinty asked that the Planning Board review the "first refusal" process followed by the Town when land is coming out of Chapter protection. He stated that, in his experience, input from residents, Town boards and commissions, etc. is not sought early enough in the process to be useful. Ms. Tice suggested a proactive approach which would identify Chapter lands suitable for acquisition by the Town for open space and/or recreational use.

### **APPROVE MINUTES**

- **August 9, 2017** - Ms. Widing made a motion to approve the minutes of the meeting of August 9 as presented. Mr. Gailey seconded the motion. Motion passed 5-0.

### **DISCUSSION (CONTINUED) – Proposal for Amending the Zoning Bylaw to Include Medical Marijuana Facilities**

Ms. Tice and Mr. Lampros described their August 22 tour of the Ayer medical marijuana dispensary with owner and Shirley resident John Hillier and shared what they had learned. The board then continued its discussion regarding the need for a new bylaw specifically covering medical marijuana facilities. When Mr. Oelfke asked whether board members felt the current bylaw was sufficient as written, Mr. Lampros, Ms. Tice and Ms. Yocum expressed the desire for additional wording specific to medical marijuana. Ms. Tice suggested that the board might consider requiring a special permit for medical marijuana facilities, rather than including them in specific zoning districts "by right," thus giving the board an opportunity for additional input. Ms. Widing felt the need for more information regarding the new legislation enacted in July. The legislation creates a new commission which will be responsible for regulating recreational marijuana. According to John Hillier, medical marijuana will be regulated by the commission as well. Because of these changes, and the possibility that the commission will introduce new regulations affecting medical marijuana, Ms. Tice felt a moratorium on medical marijuana facilities might be justified, giving the board more time to conduct its due diligence. Mr. Oelfke agreed to seek guidance from the Town's attorneys regarding a potential medical marijuana moratorium.

Ms. Tice made a motion to hold a public hearing on Wednesday, September 20 on a proposed moratorium on recreational marijuana; or on recreational and medical marijuana, pending feedback from Kopelman & Paige. Mr. Lampros seconded the motion. Motion passed, 5-0.

### **DISCUSSION (CONTINUED) – Proposal for Amending the Protective Zoning Bylaws, Sections 7.3.4 and 8.5.2(a) (Site Plan Review/Special Permit)**

Mr. Oelfke provided a final draft of the proposed amendments for continued discussion. Ms. Colburn asked for the reasoning behind the amendment; Ms. Widing provided the answer on behalf of the board. Ms. Colburn pointed out that our reasoning would not necessarily apply to special permits required for development in a water protection overlay district for instance. Based on Ms. Colburn's input, the board agreed to revisit this topic at the September 13 board meeting.

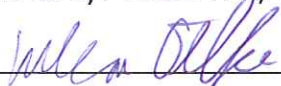
Ms. Widing made a motion to continue discussion regarding amending the Protective Zoning Bylaws, Sections 7.3.4 and 8.5.2(a) (Site Plan Review/Special Permit) at the September 13 Planning Board meeting. Mr. Gailey seconded the motion. Motion passed, 5-0.

### **ADMINISTRATIVE MATTERS**

- Mr. Oelfke reported that the process to hire a new Planning Board Clerk is in its final stages as a final candidate has been selected. A decision is expected at the Board of Selectmen meeting on August 28, with a potential start date of September 11 for the new hire.

**ADJOURNMENT** – M/S/V to adjourn this meeting at 9:55pm.

Minutes prepared by: Janet Tice, Planning Board Member

Accepted:  September 13, 2017  
Planning Board Minutes – August 23, 2017