

MINUTES

Tuesday, June 17, 2014, 2014

Mr. Daniel Mills, Chairperson called the Tuesday, June 17, 2014 meeting of the Community Planning Commission to order at 6:30p.m. in Room 10 of the North Reading Town Hall, 235 North Street, North Reading, MA.

MEMBERS

PRESENT: Daniel Mills, Chairperson
Christopher B. Hayden, Vice Chairperson
Patricia Romeo, Clerk
Warren Pearce

STAFF

PRESENT: Danielle McKnight, Planning Administrator
Debra Savarese, Administrative Assistant

OTHERS

PRESENT: Board of Selectmen
Robert Mauceri, Chairperson
Michael Prisco, Vice President
Jeffrey Yull

North Reading Police Department
Chief Michael Murphy

Mr. Mills informed all present that the meeting was being recorded.

Medical Marijuana – Workshop

Mrs. McKnight stated that she would be showing a power point presentation. (see attached)

Mr. Yull asked if the State referenced any statute to show that the Town would not be liable.

Mrs. McKnight stated that Town Counsel gave their opinion on this. She will send a copy of this to Mr. Yull.

Mr. Mauceri stated that getting back to the issue of whether or not the Board of Health should require a permit, what are the Town's obligations for inspecting and policing, if any.

Mrs. McKnight stated that the Town is not obligated to have their local Board of Health do the inspections. The State guidelines require the State to take care of inspections and the local Boards of Health have essentially been written out of the State issued guidelines. This does not mean that the Town could not have their own local bylaw. The Town of Wakefield has just approved a bylaw that bans drug paraphernalia in the Town, which is totally unrelated to their zoning bylaw.

Mr. Mauceri asked what State agency is responsible for inspections.

Mrs. McKnight stated that this would be the Department of Public Health. They will issue the license and require the inspections. The Community Planning Commission has written into the local bylaw to authorize the town's Board of Health to do inspections if the Special Permit Granting Authority deems it necessary.

Mr. Yull stated that it seems to him that the local Board of Health has no authority over the dispensary even if the Town has a bylaw.

Mrs. McKnight stated that she believes that this is true because they cannot issue a license for the dispensaries, but they can do inspections.

Mr. Hayden stated that because the town has granted a Special Permit the local Board of Health can inspect and if they find any issues it could hurt the holding of the Special Permit.

Mr. Pearce stated that the issue is not the marijuana, but the food products that will be used. The problems that this commission has encountered with the State are that they do not have enough personnel to enforce the rules & regulations that they have put together. So many Towns have realized this and have talked to their Boards of Health to get involved. Our local Board of Health feels that the State has it under control and does not believe that they need to be involved.

Mrs. McKnight stated that they do not have to require a Special Permit, when it is a State issued license, but they feel that it would give them a little more leverage in terms of the use.

Mr. Yull stated that he needs to understand it better, because his vision is that the Town requires the Special Permit and whoever is going for the State permit could care less about the Town's Special Permit.

Mrs. McKnight stated that the State guidelines actually require them to meet all of the local zoning restrictions and requirements before they become eligible.

Mr. Hayden stated that they need to get the Special Permit before they can get the State permit.

Mr. Mauceri asked if the dispensary had to also grow their own marijuana or could it be brought from another dispensary..

Mr. Hayden stated that they could grow it in another Town, but they need to have two licenses.

Chief Murphy stated that there is no way that they can get around these regulations.

Mrs. McKnight stated that the commission has discussed who should be the Special Permit Granting Authority and they feel the most appropriate would be the Board of Selectmen.

Mr. Pearce stated that the hours of operation should be added to the bylaw.

Chief Murphy stated that he would also like to have a more defined definition of "law enforcement officer".

Minutes

Mrs. Romeo moved, seconded by Mr. Pearce and voted 4-0: (Mr. Rooney absent)

that the Community Planning Commission vote to approve the May 27, 2014 minutes as amended.

Flash Road – Bond Reduction

Mrs. Romeo moved, seconded by Mr. Pearce and voted 4-0: (Mr. Rooney absent)

that the Community Planning commission vote to accept the June 10, 2014 report from Design Consultants, Inc. and that the amount of \$58,058.69 be established as sufficient to ensure the completion of the Flash Road/Roadway Improvement. (Previous bond amount \$171,497.44)

Planning Administrator Update230 Main Street

Mrs. McKnight stated that they would not be doing a site visit this evening because the lights have not been installed.

Dogwood Lane – Street acceptance

Mrs. McKnight stated that the DPW director has asked if street acceptance could be done on Dogwood Lane even though the houses for the development have not been completed because they are maintaining the road and would like to recoup some of the money from Chapter 90 for this service.

Mr. Hayden stated that they should not be maintaining the road.

Mr. Pearce stated that the Town has been maintaining this road for a long time, but he agreed that the road should not be maintained by the Town.

The consensus of the Community Planning Commission was that the Town should not accept Dogwood Lane yet because it is not finished.

Swan Pond Road

Mrs. McKnight stated that the DPW director also wanted to know if this road should be accepted.

Mr. Pearce stated that this road has also been maintained for a long time. The only danger in accepting this road is if someone owns property it could make their unbuildable property buildable. The Community Planning Commission asked Mrs. McKnight to look at the size and ownership of the properties on Swan Pond Road to determine if they could be more easily subdivided/developed if Swan Pond Road became an accepted street.

Town-owned Land

Mrs. McKnight stated that she only has one recommendation for addition: 0 Furbish Pond Lane which is environmentally sensitive.

Mr. Pearce stated that the Conservation Commission should have restrictions on this property.

Mrs. Romeo stated that this property should already be held by Conservation.

The Community Planning Commission requested that Mrs. McKnight include in her response memo a suggestion that all parcels should be looked at for capacity as a lift station if sewer is installed in the future, and also that she include a request that the Community Planning Commission be made aware of any town-owned property being seriously considered for sale so that a more in-depth analysis could be done.

Smart Growth Bill

Mr. Pearce stated that this Bill would eliminate the discussion about the 20 day appeal to court and would not have to make it a special permit anymore

Mrs. McKnight stated that she also agrees that it may not be necessary to have Site Plan Review be a Special Permit.

Mr. Mills stated that his take on this is that it is similar to the comprehensive permit.

Mrs. McKnight stated that if someone came in with a project of a certain size and threshold, it does not matter if is in the 43D District, or not and wanted to do a consolidated permitting process, all of the boards would need to get together, except for conservation and have a joint meeting, but each board would issue their own decision.

Mr. Hayden stated that this would eliminate the applicant from having to come back for individual meetings.

Mrs. McKnight stated that they may need to return for more meetings if one of the boards cannot make a decision at that meeting.

Mrs. Romeo stated that she does not like aspects of the Bill because that gives some approvals to the local zoning enforcement official rather than the planning board and this would be a perfect opportunity for problems.

Mr. Pearce stated that there is a number of opt-ins, such as LID. They could just take the base template and it would eliminate the whole special permit process.

Mrs. Romeo stated that with this Bill, a zoning enforcement official could change lot lines that may have ramifications later on, whereas a planning board would look at it and come up with an answer that will not affect the Town.

Mrs. McKnight stated that the other side of this is those communities that want to fully opt-in to the second part of it have the option to not do ANRs anymore and this State is the last to actually still do ANRs.

Mr. Mills asked what type of community is this actually geared for. It's tough to make something that is appropriate for all different types of cities and towns

Mrs. McKnight stated that it is supposed to be meant for everybody. She would say these are reforms to Chapter 40A and Chapter 41, which govern subdivisions and zoning, that are applied to all of us equally.

Mr. Pearce stated that if it is a more highly developed area and there is a problem with run-off and low impact development, they would opt-in for this.

Adjournment at 9:10PM

Respectfully submitted,

Patricia Romeo, Clerk