



TOWN OF NORTHBOROUGH PLANNING BOARD

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Approved 8/19/14

Planning Board Meeting Minutes January 7, 2014

Members Present: Rick Leif, Michelle Gillespie, Theresa Capobianco, Leslie Harrison, George Pember

Others Present: Kathy Joubert, Town Planner; Fred Litchfield, Town Engineer; Mark Leahy, Police Chief, Brad Petrishen;

Chairman Leif opened the meeting at 7pm.

Draft Medical Marijuana Bylaw - Discussion with Police Chief Mark Leahy

Police Chief Leahy was present at the meeting at the request of the Planning Board members. He presented his concerns and opinions on where the Registered Marijuana Dispensaries (RMDs) and cultivation facilities could be located in town and what needs to be done for general security when dealing with a cash business. Based on the restricted number of permits and their need to attract the greatest number of patients, he does not believe RMDs and cultivation facilities will locate in Northborough. He stated they will probably be more financially viable in cities. Regarding security, he stated there is more security provided around these facilities than he has ever seen before and therefore he has no concerns about it. He noted there are other businesses presently in town that have a lot of cash dealings with much less security and no problems.

Mr. Leif stated the members have discussed this and one opinion is it is not any different from CVS and the powerful drugs they have onsite, which are already regulated. He questioned why they would need regulations, and noted that, due to the perception of what goes on with this business, some residents will want to see restrictions.

Mr. Leahy responded that is a valid point, as drugs like oxycodone attract crime. He reiterated there is a very high level of security for medical marijuana.

As far as location in town, Mr. Leahy stated a lot of towns are putting them in industrial zones, and keeping them out of neighborhoods. He suggested the Board might consider locating the facilities in the highway business district.

Ms. Joubert and those present briefly reviewed a model medical marijuana bylaw she had distributed, entitled "Pioneer Valley Planning Commission Model Medical Marijuana Bylaw".

Mr. Leahy noted a lot of towns are adopting the Massachusetts drug-free zone setback of 300 feet from a place where children may congregate.

Mr. Leahy provided the Board with an informal poll he had done of several police chiefs in Massachusetts regarding medical marijuana.

Draft Medical Marijuana Bylaw - Setback Maps from David Kane, MIS/GIS Director

The board reviewed and discussed the Medical Marijuana setback maps created by Mr. Kane from feedback generated by the board at their last meeting. The maps included setbacks of 300, 500 and 1000 feet from a place where children may congregate in the Industrial, Business South and Highway Business Districts.

Ms. Joubert noted the Department of Public Health's (DPH's) designated drug-free zone is 300 feet from a place where children may congregate.

The board discussed their options of identifying a district in which RMDs and cultivation facilities would be allowed and going with the state regulations, or doing the same but also adding setback requirements.

The members concentrated on the Highway Business District and Ms. Gillespie wanted to know how many acres of land are available there. Mr. Kane will provide that number at the next meeting.

Mr. Leif responded the Pioneer Valley Planning Commission Model Medical Marijuana Bylaw views it as a manufacturing use done indoors in a secure facility. It could also be a facility where it is grown and to which people come to buy it.

Mr. Leif, Ms. Capobianco and Ms. Gillespie agreed there is merit to complying with the DPH's drug-free zone setback of 300-feet and locating them in the Highway Business District (on Route 9). It would also manage people's perception of the RMDs. Ms. Harrison and Mr. Pember stated they agreed with the Police Chief that there didn't need to be any special town regulations, but just compliance with the existing zoning bylaw and state regulations. They stated the odds of the use coming to Northborough were very slim, and if it did, it is a business that is highly regulated by the state. It was noted the town voted 61% in support of medical marijuana.

Ms. Joubert stated nobody has approached the town about locating here, or has requested a letter of support from the town.

Ms. Joubert will get information from the Police Chief regarding the security required for the facilities. The members agreed the way the facilities will look regarding their security requirements will have an impact on where they would want them located. If one was proposed in the downtown area, it would require review by the Design Review Committee, however they may not be able to require changes that involve state security regulations.

Ms. Joubert will send the members a list of towns that have adopted a medical marijuana bylaw.

Draft Solar Bylaw & Information from Dick Jones, Wind Turbine Committee member

Ms. Joubert introduced Mr. Jones to the board members and explained that he and another Wind Turbine Committee Member, Joe McNamara, reviewed the 12/3/13 draft of the board's proposed Solar Bylaw. Mr. Jones added their comments and suggested changes to the draft bylaw. They were incorporated into the latest draft, dated 1/7/14, which was distributed to the board prior to this evening by Ms. Joubert.

Mr. Jones explained the different sizes of solar farms and how solar installations work. He reviewed and discussed his comments and suggested changes to the bylaw with the board and staff present.

300 Bartlett Street (FedEx) Bond Release

Mr. Litchfield stated the Earthwork Board issued a permit for the site which included a stabilization bond. There were some erosion issues along the way that affected Bartlett Pond. The site has been stable since June 2013. The drainage system is working as it should and the Operation and Management plan is in place. The site will be reviewed annually starting in the spring of 2014.

Ms. Capobianco motioned to approve the release of the bond money for 300 Bartlett Street, Ms. Harrison seconded the motion and the vote was unanimously in favor of releasing the bond money.

Street Acceptances

Mr. Litchfield stated he will attend a future meeting to discuss street acceptances for Weber Lane, Cyrus Way and Johnson Avenue for Town Meeting. Each street was top-coated this fall and the drawings submitted indicate everything is as proposed.

Flood Maps

Mr. Litchfield stated there has been another change to the flood maps that will require Town Meeting action. Residents who have been negatively affected will be invited to attend the public hearing the board will be holding prior to Town Meeting.

Sign Bylaw

The board briefly reviewed the revised draft of the sign bylaw. They discussed a change suggested by Selectman Leslie Rutan K(3)(c) (pg. 10) so it would read as follows: "All signs on any private property shall only be erected on a Saturday and/or Sunday and shall be removed at the conclusion of the Open House".

Ms. Capobianco asked Ms. Joubert if the building inspector, Fred Lonardo, has contacted the owners of the Zem Han restaurant at 4 West Main Street about removing their flashing/streaming sign. Ms. Joubert will have Mr. Lonardo address the board.

Mr. Leif stated it is a question of enforcement and Mr. Lonardo has done the best he can. There are other flashing "OPEN" signs in town, so this is something Mr. Lonardo would need to address.

Ms. Capobianco suggested they start charging zoning violation fees.

ZBA Applications

Ms. Joubert briefly discussed applications for 81 Maple Lane, 55 Lyman Street and 367 West Main Street that will be heard at the ZBA meeting on January 28th.

Mr. Leif asked about the status of the project at 137 West Main Street. Ms. Gillespie stated the developer has been before the Design Review Committee. The proposal is to keep part of the house, removing part of the house and adding a large addition. The applicant has not applied to the Town yet. His presentations to the DRC were based on preliminary plans.

Approval of Minutes

The minutes of November 5, 2013, 11/19/13 and 12/3/13 were approved.

Design Review for Industrial District

In response to a question from Ms. Gillespie, Ms. Joubert stated most responses to her question regarding design review for buildings in Industrial zones, indicated the buildings in their industrial

districts were mostly warehouses and did not require design review. Ms. Joubert will contact additional communities.

Next Meeting

The board will meet on January 21st from 6pm to 6:45 pm and then will go into a joint meeting with the Conservation Commission at 7pm to hear information from the school department regarding the renovation/expansion project for the Lincoln Street Elementary School.

Historic District Study Committee

Ms. Joubert stated that, in response to a request from the Town Administrator's office, Mr. Pember has indicated he would serve on the new Historic District Study Committee and Tom Reardon from the Design Review Committee has also agreed to serve.

Announcement from Chairman Rick Leif

Mr. Leif informed the board members he will not run for re-election when his term expires this year.

The meeting adjourned at 9:30pm.

Respectfully submitted,

Debbie Grampietro
Board Secretary