

## Wayland Planning Board Approved Minutes

DATE OF MEETING:           **February 7, 2017**

TIME OF MEETING:           **7:30 P.M.**

PLACE OF MEETING:        Town Building, 41 Cochituate Road

### **AGENDA**

**7:30 P.M.    Open Meeting Comment/Correspondence/ Matters Not Reasonably Anticipated by the Chair 48 Hours In Advance Of the Meeting/Town Planner report**

**7:35 P.M.    Public hearing PUBLIC HEARING RE: ZONING BY-LAW AMENDMENTS**

The Wayland Planning Board will hold a public hearing on Tuesday, February 7, 2017 at 7:35 p.m. in the Planning Board Office, Wayland Town Building, 41 Cochituate Road, Wayland, Massachusetts, 01778. The subject of this hearing will be proposed amendments to the Wayland Zoning Bylaw, which will be considered at the 2017 Wayland Spring Town Meeting. The text of these amendments and maps can be viewed at the Planning Board Office and outside the Building Department Office at the Wayland Town Building (9:00 AM to 4:00 PM during normal work days), Copies will be provided upon request. Reasonable accommodations and audio-visual aids and services will be available upon request. The proposed amendments and subject matter to the Wayland Zoning Bylaws are summarized as follows:

- 1. The Town of Wayland is proposing to adopt an amendment to the Zoning Bylaw that would establish a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments through January 1, 2019 or six months from the date that final regulations are issued by the Cannabis Control Commission, whichever date is later to allow time to study the issue and develop appropriate bylaws and ordinances.**
- 2. The Town of Wayland is proposing to adopt an amendment to the Zoning Bylaw that would establish a limited site plan approval for all proposed uses of land protected under G.L. c. 40A, §3 (i.e., agricultural, educational, religious, or child care uses) (“Section 3 Uses”) shall be subject to site plan**

review under Article 6, which shall be limited consistent with those statutory provisions. The purpose is to ensure that all such uses and facilities are reasonably regulated in regards to bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage.

**8:35 P.M. Michael Road update on violations and approve Homeowners Association Documents and Maintenance Covenant.**

**8:45 P.M. Review Guidelines for Chapter 40B**

**8:50 P.M. Approve minutes January 17, 2017**

**9:00 P.M Adjourn**

D. Hill called the meeting to order at 7:44 PM. D. Hill, I. Montague, A. Reck and N. Riley in attendance.

No public comment was presented.

**Public Hearing was held regarding Zoning By-law amendments:**

**1. Moratorium on Recreational Marijuana establishments:**

Presentation by the Petitioners, Brenda Ross of the Youth Advisory Committee and Jason Verhoosky, Prevention Specialist. Ms. Ross presented the amendment as giving time to be more informed on the implications and impacts of the recreational establishments, and giving time to collect information from states that have implemented these recreational facilities and to learn from them.

Mr. Hill clarified that the referendum passed in 2016 to push back the timing on the implementation of the recreational marijuana law by six months from January 1, 2018 to July 1, 2018, which was passed as a session law.

Mr. Verhoosky presented the moratorium as doing two things: 1) to Ms. Ross' point, to have a better understanding of what we are looking at in terms of commercial implications, and 2) in the event the cannabis commission is not fully formed, as a Town we would have the opportunity to have regulations in place. The issue regarding the language in the law is that Towns "shall" allow recreational facilities, not "may", so unless a town has opted out of including recreational facilities within the town, if someone were to apply for a permit/license prior to the regulations being in place the Town would have no guidance.

D. Hill questioned who issues the licenses? Mr. Verhoosky responded it would be the Board of Health and compliance with zoning regulations would be required. We could

follow the model currently in place for liquor stores in terms of zoning if we moved forward with recreational facilities in Town.

D. Hill clarified that a state license comes first, followed by a Board of Health permit, followed by required compliance with zoning regulations.

D. Hill asked if there was any benefit to putting the moratorium at the Board of Health level. Mr. Verhoosky responded that there are no regulations in place yet so anything being passed would need to go through land use as the existing structure of regulation.

Mr. Verhoosky provided that the new application deadline for permits for recreational facilities is October 1, 2018.

A. Reck asked what other towns are doing in terms of moratoriums. West Bridgewater has already passed a 6 month moratorium with Quincy at 1 year and Arlington and Ashland considering a temporary moratorium as well. Mr. Verhoosky mentioned there may be others, but those he could currently confirm.

Gretchen Schuler commented she was concerned with the format of the amendment as currently drafted as we need to ensure it fits with our current Zoning By-law.

D. Hill asked if there was a place that the amendment would go in the current code? Petitioners are working with Town Counsel on the same issue.

Ms. Schuler confirmed this would be a 2/3 vote and that a report would be provided from the Planning Board.

## **2. By-law amendment regarding Site Plan Review for Chapter 40A uses:**

D. Hill presented the revisions involved with non-profit, educational, religious, agricultural and day care uses as governed by Chapter 40A through a slide presentation. Intention is to modify the current process where site plan review is discretionary and goes through the Building Inspector rather than the Planning Board.

Case studies such as the Jewish Cemetery Association of Mass. V. Board of Appeals were discussed where in 2011 the change was made from site plan review being required to then going through the Building Inspector with limited site plan review. A recent example was the Carroll School, which was a cooperative proponent, which may not always be the case. S. Sarkisian pointed out that in that case the entire file went to the Planning Board and went through a complete site plan review process, which was totally voluntary. The issue of whether the related meetings were public hearings or not also came up as the process was voluntary.

D. Hill presented the concern as not regulating these types of protected uses, but rather intending to work through a better process for larger and more complicated projects. Various historical projects in Wayland and surrounding towns were discussed.

I. Montague questioned whether we can enforce these types of uses not having events beyond those allowed by the state statute, such as with Lookout Farm, where the agricultural use has become commercial.

Anette Lewis commented that if the use is educational she is not sure how we can regulate them.

An example of Belmont Athletic High School was brought up with limiting light pole heights, which are protected as part of the use, but the case law references a test to apply to show a need for the particular aspect in question to effectuate the protected use. Ultimately the goal is to have a framework to be able to look at these types of uses.

Ms. Lewis discussed the technical placement of the By-law amendment and how it would tie in with the existing language.

Kurt Tramosch provided commentary as someone who uses his property for agricultural uses. Mr. Tramosch purchased his property for use as a commercial nursery. His questions included what would trigger site plan review? Mr. Tramosch also stated that Wayland has no agricultural commission or any right to farm groups, as Lincoln, Concord, Framingham, West and others have. He called for a better idea of the agricultural use in Wayland before we start to more heavily regulate the same.

A discussion was had on whether the current By-law regulates agricultural uses and a decision was made to remove the language involving agricultural.

A. Reck made a motion to close the hearing regarding the By-laws and I. Montague seconded. Motion passed 4-0.

I. Montague made a motion for the Planning Board to move to support the By-law amendment regarding a moratorium of recreational marijuana facilities with the amendments discussed. N. Riley seconded. Motion passed 4-0.

#### **Guidelines for Chapter 40B:**

A discussion was held on updating guidelines done by prior Planning Board and Planner for 40B projects. The Housing Partnership is already working on the process as well. An email was sent to DHCD to update the inventory of affordable housing. If the 188 units in River's Edge are counted and the 15 units with Greenways are included, we are far closer to the 10% requirement.

#### **Michael Road Updates:**

D. Hill presented on a meeting with Barberry Homes. Jim Williamson and David Carter were present and all open issues from prior Planning Board meetings were discussed, including the need to apply for an extension to the performance agreement.

A question was raised whether we can impose stricter compliance with building hours and increase the fines.

**Approve Minutes for January 17, 2017:**

I. Montague made a motion to approve as amended. A. Reck seconded. Motion approved 4-0.

Motion to adjourn made by A. Reck. I. Montague seconded. Motion approved 4-0.

**Attachments:**

D. Hill presentation on Amendments to Site Plan Review for Chapter 40A Uses