

**MINUTES OF WESTBOROUGH PLANNING BOARD**  
**February 7, 2017**

Regular meeting of the Westborough Planning Board held at the Fire Department, Conference Room, 50 Milk Street on Tuesday February 7, 2017 at 7:00PM. Members Bush, Silverberg, Spencer and Paris were present.

Next Meeting date: February 21, 2017, 7:00PM, Fire Department Conference Room, 50 Milk Street

**At 7:00 p.m. Discussion on the layout alteration and relocation of Washington Street**

Mr. Carl Balduf, Town Engineer was present to discuss and review the plans for the relocation of Washington Street which passes through Southborough and will now be a public way with this reconstruction. Sections of the old road were only 33' wide in some sections; in 1961 the State did the former layout to meet the Route 9 ramp. New right of ways will be required; EMC and Camerota will be donating portions of the land to the public way.

Mr. Balduf is asking for the Planning Board to vote in favor of this proposed relocation and alteration which will be an Article at Town Meeting.

A \$10,000 Maintenance and Security Bond, will be deposited with Town Treasurer and after 1 year will be returned if no repairs are required. It is the Boards policy for security bonds on projects such as this.

**Member Mark Silverberg made a motion to endorse the Alteration and Relocation Plan on Washington Street by Beals & Thomas for EMC Corp dated January 4, 2017, seconded by Member Bill Spencer, all in favor, unanimously voted.**

**Member Mark Silverberg made a motion to recommend to the Selectmen to accept the Alteration and Relocation Plan as discussed tonight, seconded by Member Tim Paris, all in favor, unanimously voted.**

**Member Mark Silverberg made a motion to accept the \$10,000 bond for Washington Street for EMC Road relocation for a period of one year at Town Meeting, seconded by Member Bill Spencer, all in favor, unanimously voted.**

**7:00 p.m. Public Hearing – ARTICLE 34: Amend Zoning Bylaws – Accessory Dwelling Units (Planning Board)**

This has been discussed at the past few meetings and Mr. Tin Htway is present to answer any further questions.

The Town Planner stated we have received quite a few requests for accessory dwelling units Which would allow extended family to reside in the single family home. This would be an

addition to a single family home, yet the design and layout would be a single family unit.

**Member Mark Silverberg made a motion that the Planning Board recommend Article 34 for Accessory Dwelling Units, seconded by Member Bill Spencer, all in favor, unanimously voted.**

**7:00 p.m.** Public Hearing – ARTICLE 35: Amend Zoning Bylaws – Highway Business District (BA) (Planning Board)

This was previously discussed at the last meeting and there are no further questions.

**Member Mark Silverberg made a motion that the Planning Board recommend Article 35 amendment of Zoning Bylaws District (BA), seconded by Member Tim Spencer, all in favor, unanimously voted.**

**Chairman Brian Bush made a motion to endorse the minutes of January 17, 2017, seconded by Member Bill Spencer, all in favor, unanimously voted.**

Chairman Brian Bush stated there was an EDC meeting today held at 200 Friberg Parkway, he felt it was important because one topic was the question of by right uses vs. special permit in the highway business zones. Carruth Capital recommended that they look into the relaxing of special permit requirements in industrial zones. Chairman Brian Bush feels there is movement to do this relative to permitting deadlines and some merit to this in terms of efficiency in the permitting process. There is a consensus that Westborough is competing with Marlborough which is very much streamlined in the permitting process and Westborough may be losing business because of this. Carruth Capital indicated there is no ability to build competitively now due to the cost of construction for what vacant space can be purchased for. Chairman Brian Bush thinks this is a good time to discuss this, even though it is not only a planning board matter.

Jim Robbins said the special permitting process in many districts triggers site plan review and if this were under one permitting authority this would cut down on the review process.

Member Mark Silverberg said the Open Space Committee met last week and a final draft of the Open Space Plan is posted on the website. Residents and Board Members are encouraged to review and click on the link to submit comments. There will be a public presentation on March 1, 2017 at the Fire Station. After all comments are received, reviewed and any additional changes are made based on the comments, Open Space will meet March 15, 2017 to review the plan which will then be submitted to the State. Open Space will need the endorsement of the Planning Board and Selectmen.

**Member Mark Silverberg made a motion to recess to 8:25PM, seconded by Tim Paris, all in favor, unanimously voted.**

**Meeting called to order**

### **8:30 p.m. Public Hearing – ARTICLE 33: Amend Zoning Bylaws – Marijuana Not Medically Prescribed (Board of Selectmen)**

Kathryn Laughman, KP Law was present to clarify the proposed changes. The ballot question for legalized non-medical marijuana in Massachusetts as part of the ballot measure includes some measure of local control. The State will also have levels of control that will come into play with the Cannabis Commission. In communities that wish to have recreational marijuana ordinances and bylaws would allow this. There also is the option for municipalities to prohibit all types or some types of marijuana facilities. "By the vote of the voters" indicates that would be the mechanism used but that term must impose the bylaw of ordinance, but also have to do by the vote of the voters as indicated by the ballot. The time is now for Towns to do this is before laws may be imposed by the Cannabis Control Commission. Ms. Laughman stated that Towns can't go with just zoning bylaw inhibition, communities must follow this belt and suspenders approach of going through the ballot language and voting a bylaw at this point in time since it regulates with use of land. This advice was provided to the Selectmen to follow both avenues of a ballot question and zoning regulation language. Towns that voted both will have their bases covered.

Chairman Brian Bush asked for basic clarification on amending uses as they are related to land use in both instances, in general bylaws the regulation doesn't prohibit the use of marijuana it prohibits establishment's.

Ms. Laughman stated the zoning bylaw does relate to use of land and that is the proper purview of zoning not just general bylaws.

Chairman Brian Bush said this is not stating the use of marijuana; we can't stop them just like we can't stop minors under 18 from smoking cigarettes.

Ms. Laughman said the consumption in public is not part of the act, but smoking in places with banned tobacco products would also ban marijuana.

Ms. Laughman said at the last fall town special meeting, recreational marijuana may be allowed in the medical zone, so they will need to further amend to remove language that it is allowed. As of right now nobody is in position to apply for use and the Cannabis Commission is not ready to begin, March 15, 2018 they are going to begin to accept licenses, as of April 1, 2018 and will have a 90 day process. March town meeting will allow the Town time to clean up the language before the next town meeting which will still be before the State begins to accept applications. If ballot passes and bylaw passes then yes the language needs to be changed that recreational use can't occur even in the medical zone. Ms. Laughman stated there are different regulations, different licensing and nothing you regulate for recreational will affect medical. Towns can't prohibit medical marijuana but can put in a specific zone which has been done. A number of dispensaries must be in each region that's why Towns can't deny medical marijuana.

Mr. Lester Hensley, Resident stated it is important that we have a ballot question as well as zoning bylaw in place for this use. The Legislatures intention is to clear up what is vague in the law surrounding marijuana. Mr. Hensley feels the only clear way to act given the law is to prohibit, this doesn't affect anybody to grow marijuana, use or have it in their home which is a ban realistically. Mr. Hensley feels it is important since local control was taken away by this law and the only way is to opt out for Towns to maintain control.

Mrs. Jodi Hensley, Resident has been tracking the industry for 6 years in each State and felt it was important to know that Colorado and Washington had opt in measures. These States are still amongst highest use states, especially in teenagers. If Towns do not initially opt out it is more difficult, they may

always opt in at a later date. Statistics show the youth use is higher in States where marijuana is allowed, so in a community where we pride on our Schools, would this use equate with the character and work we've done in building a safe and healthy community in Westborough.

**Member Mark Silverberg made a motion that the Planning Board support the Marijuana Not Medically Prescribed (Board of Selectmen) as written in the warrant, seconded by Member Bill Spencer, all in favor, unanimously voted.**

There being no further business to discuss, the meeting adjourned at 9:19p.m.

Respectfully submitted,  
Destiny Ashworth/Administrative Assistant

APPROVED:

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Brian Bush, Chairman of Board

  
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Mark Silverberg, Vice-Chairman of Board

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William Spencer

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Tim Paris