



# Town of Westminister

MASSACHUSETTS 01473  
FROM THE OFFICE OF THE  
**PLANNING BOARD**  
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Jon Wyman - Chairman, Marie N. Auger - Vice Chair, M. Donald Barry Michael Fortin

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## MINUTES OF REGULAR MEETING

Thursday, March 06, 2014

Room 222, Town Hall

Attendees: Jon Wyman, Marie Auger, Mike Fortin, Don Barry, Town Planner Stephen Wallace

Absent:

Additional Attendees: Mr. Michael Zaharchuk

7:00 p.m.

Jon opened the Planning Board meeting and informed those present the meeting was being audio recorded.

7:00p.m. *Minutes*

Don made a motion to approve the February 25, 2014 minutes. Seconded Mike. The PB voted AIF to accept the minutes with revisions.

7:01p.m. *Public Hearing - Three new Zoning provisions to regulate the location and operation of medical marijuana dispensaries in Westminister*

Jon read the newspaper posting. Stephen reviewed the Temporary Moratorium that was voted at the 2013 ATM. Since that time the State had drafted regulations. The three zoning amendments would:

- 1: Add a definition for "Medical Marijuana Facility" to Section 205-4 of the Zoning Bylaw (Definitions)
- 2: Replace Section 205-39.4 of the Zoning Bylaw (Temporary Moratorium on Medical Marijuana Treatment Centers) with the new bylaw consisting of sections regulating the Locational and Operational Standards, Necessary Permits and Approvals, Additional Site Plan Requirements, Special Permit Terms, and the Transfer of Special Permit.
- 3: Add "registered medical marijuana dispensaries" as a new Item 9 under Section H (Other Principal Uses) within the Table of Use Regulations.

Town Council comments had arrived today by email. TC suggests deleting section D1, CORI check requirements are outside the PB authority to request them, and section D3 regarding building plans, delete everything but the first sentence. Stephen went on to say the PB had received comments from the BOH, who requested to have item C - Necessary Permits and Approvals revised to add to the sentence:

*... In evaluating a Special Permit application for a registered medical marijuana dispensary, the SPGA shall make a finding that the use request is appropriate for the site in question and that the use will not be unduly detrimental to the health, safety, morals or welfare of the community or neighborhood by reasons of noise, traffic, pollution, noxious gases and wastes or demand on community services. ...*

The BOH also commented on limiting the hours of operation. Stephen told the PB hours of operation are usually dealt with during site plan review. The third BOH comment regarded "drive up windows" which the MM State Regulations do not allow. The last comment asked that facilities which planned to prepare (MIP) Marijuana Infused Products must receive BOH approval for food processing and preparation. Mike commented that the MM State Regulations 105CMR725.105 - C (5) includes language that requires facilities to be inspected and conform to existing food regulation laws.

Jon asked the public for comment. Mr. Mike Zaharchuk asked about security measures. Stephen noted the State Regulations cover every aspect of security of facilities.

Don motioned to add the changes discussed and to submit the revised 3 Bylaw changes as an article to the Selectmen for inclusion in the May Annual Town Meeting. Seconded Marie. Voted AIF. Don motioned to close the Public Hearing. Seconded Mike. Voted AIF.

*7:19p.m. Planning Board review and comment: Dimensional Variance request to the Zoning Board of Appeals for Richard Bourn of 36 Colony Road to construct a home on a lot that does not meet the Zoning Bylaw's frontage or lot size requirements.*

Jon asked PB members for questions/comments. Don asked if this was part of a subdivision. Mike noted that registry of deeds showed that Mr. Bourne had bought two lots. The lots were ANR lots, not part of a subdivision. After further discussion, Mike stated that in his opinion, the letter from Hannigan Engineering contained a number of discrepancies that did not accurately describe what had transpired in the past. Marie noted that the PB should not support the variance, in her opinion the owner does not qualify for a variance and that the Hannigan letter is not correct in its details. Mike stated that a letter not supporting the ZBA case should include : the lot does not meet zoning, the owner self imposed his hardship and the Hannigan Engineering contains a number of inaccuracies. The PB voted AIF to send a memo of non support to the ZBA.

*Discussion Items*

*7:29p.m. Call for Comments: draft 2014 Open Space & Recreation Plan.*

Jon asked the Chairman to sign the PB letter of support for the Draft Open Space Plan that had been created as a result of discussion at the last PB meeting. Jon signed the PB letter of support.

*7:30p.m. Rebanna Road Update.*

Stephen told the PB there had been a conference call to discuss Rebanna Road. Town Council will call their attorney to discuss the results of that February 27th meeting.

*7:36p.m. Adjourn.*

Don made a motion to adjourn. Mike seconded.

2 Pages of Minutes  
Respectfully submitted,  
Michael Fortin

4 Attachments :

- 1) Draft Zoning Amendments for Medical Marijuana Dispensaries (Draft #2) 2 pages
- 2) Legal Notice for Medical Marijuana Bylaw dated Jan 31, 2014
- 3) ZBA package for Richard S. Bourn #14-01 dated 2/18/14. including Hannigan Eng letter dated Jan 30, 2014 and Building Department determination letter dated Jan 21, 2014. 10 pages.
- 4) PB letter of support of Draft Westminster Open Space and Recreation Plan of 2014 dated .