

PLANNING BOARD

DATE: April 26, 2018

TIME: 7:00 P.M.

PLACE: Large Meeting Room

FOR: Regular Meeting

PRESENT: Brandee Nelson, Chair; Malcolm Fick; Jonathan Hankin; Jack Musgrove; Jeremy Higa; Pedro Pachano, Associate Member; and Chris Rembold, Town Planner

Ms. Nelson called the meeting to order at 7:00 P.M. She announced that the meeting was being recorded. Mr. Higa was not yet present.

FORM A'S:

There were no Form A's presented.

MINUTES: APRIL 12, 2018

Mr. Hankin made a motion to approve the minutes of April 12, 2018 as amended, Mr. Fick seconded, all in favor.

MANVILLE STREET:

Ms. Nelson said the Planning Board will review and comment to the Annual Town Meeting per MGL Ch.41 Section 81G and I, regarding proposal to discontinue a portion of a Town Street in accordance with MGL Ch. 82, Section 21.

The applicant, Ian Rasch, was present with attorney Sidney Smithers to discuss the request to discontinue a portion of Manville Street.

Mr. Rasch asked the Board for a favorable recommendation to the Annual Town Meeting for the request to discontinue a portion of Manville Street. He said discontinuing the end of the Manville Street will allow for a development at the end of the street as well as open space.

Mr. Higa arrived at 7:05 P.M.

There was discussion of the request with information provided by the applicant. The portion of the road to be discontinued is 560 feet from Main Street. Three existing houses on the site will be removed. When asked by Mr. Hankin if there was a possibility of having the houses relocated, Mr. Rasch said someone had expressed interest and he would be willing to have them relocated if it is possible.

Mr. Rasch was asked about utilities in the portion of the road to be discontinued. He responded that once the road has been discontinued it would be his responsibility to maintain the utilities and allow access if necessary. There is a fire hydrant on the property. Mr. Rasch said SK Design has had a discussion with the Fire Chief who seems pleased that in the future he would have an area to turn around the fire trucks. He also expressed interest in providing and maintaining open space access.

Mr. Rasch said the property abuts property owned by Construct. Opening up the property will allow residents at the Construct property to travel more easily to areas south of Mahaiwe Street.

Ms. Nelson asked that discussion of discontinuing the road stay on the topic. Discussion of the project will be appropriate during the permitting phase.

There was discussion of snow removal and storage. Mr. Rasch said the open space will provide plenty of room for snow storage for the site as well as for the Town plows clearing the remaining portion of Manville Street. Mr. Rasch said snow storage or removal will not be an issue. He said plans have been provided to the DPW Superintendent who has not indicated any issues with the proposal.

An abutter on Manville Street expressed concerns about large trucks using her driveway to turn around.

Mr. Smithers responded that no one has the right to use her driveway to turn around.

Again, Ms. Nelson asked to talk about the discontinuance of the road. She thanked the abutter for her question and said the issue will be noted for future discussions of an application.

Mr. Musgrove made a motion to send a favorable recommendation to the Annual Town Meeting on the warrant article, Mr. Higa seconded, all in favor.

ANNUAL TOWN MEETING:

Ms. Nelson said there is nothing to vote on during this discussion. She said she has a work conflict with the Annual Town Meeting so she will be unable to attend. She asked Mr. Rembold to discuss the motions.

Mr. Rembold asked Mr. Pachano if he would be willing to present Article 18 regarding the B2X zoning. Mr. Pachano agreed. Mr. Musgrove will present Article 19 for Marijuana Establishments. The Board agreed that it would be helpful for Mr. Rembold to provide a brief Power Point presentation on the B2X zone.

Ms. Nelson asked Mr. Rembold to talk about the process at the ATM.

Mr. Rembold said the Marijuana Establishment bylaw will be put forward. The moderator will ask for a motion, the Planning Board member representing that article will make the motion which will need a second. The Planning Board report will be read. The Selectboard will likely then present their amendment. There will be discussion and vote on the amendment. Then a vote on the article as amended or not as presented.

Mr. Rembold said it would not be appropriate to for the Board to make a formal vote at this meeting on the proposed bylaw or the proposed amendment. There can be discussion tonight but no vote.

Mr. Musgrove said he is opposed the Selectboard's amendment but he will not speak against it.

Mr. Hankin said he is opposed and he will speak against it. He said he is opposed to the Selectboard being the SPGA. He said he attended the meeting in Lenox presented by the

Cannabis Control Commission (CCC) where the State regulations were discussed with members of the Commission and attorney Ray Miyares.

Mr. Hankin said interesting information was provided as the regulations regarding outdoor cultivation have been modified. He said originally there were four tiers for licensing cultivators, now there are 11 tiers. The CCC is being responsive to farmers by modifying the regulations to be friendlier to small farmers. Licensing fees have also been modified to make the process easier and more affordable for small farmers.

Mr. Hankin said there is still a vetting process and licensing requirements. He said the Town requiring a special permit is not the way to go. The Planning Board agreed for a 10,000 square foot trigger for a special permit requirement. This is reasonable.

There was discussion regarding the security measures required by the State which would be addressed by the Planning Board during the required Site Plan Review process. The Board agreed that SPR provides plenty of opportunity for input and oversight.

Mr. Hankin said he doesn't feel the proposed amendment adequately addresses marijuana establishments in the I-2 zone. He said he would like to propose an amendment before the discussion period is opened.

Ms. Nelson said amendments get very confusing. She suggested waiting to make an amendment until after discussion of the proposed bylaw already approved.

Mr. Rembold said if the I and I-2 zones are going to be treated separately you might want to allow the Selectboard to make their amendment with the 3 new rows that they proposed to add.

Mr. Hankin said he wants to make the amendment prior to the Selectboard making their amendment because what they propose in their amendment is radically different. There was continued discussion of the I-2 zone. Selectmen Sean Stanton offered to change the Selectboard's amendment to say no cultivation in the I-2 zone. He said the change could be made at their next meeting prior to the ATM.

The Board was not opposed to the change offered by Mr. Stanton.

Mr. Hankin said he would oppose the Selectboard being the SPGA for the bylaw. He said he asked the question at the CCC meeting about cultivation on 61A land and APR land. The question wasn't answered. It was recommended to ask Town Counsel.

Mr. Rembold said no one has figured this out but it seems clear that marijuana cultivation is not considered agriculture for zoning purposes.

Mr. Hankin said cultivation of marijuana has been removed from Chapter 40 section 3.1 because agriculture can't be unreasonably regulated. With the exclusion, Chapter 40 section 3 cultivation of marijuana is removed from the agricultural zoning exemption. It now states that the cultivation of marijuana is not agriculture. Clearly it is still agriculture, just not zoning exempt.

Ms. Nelson thanked the Board for their commitment to the Planning Board and their hard work on the bylaw.

Mr. Hankin reminded the Board that prior to an applicant getting a license there needs to be a Host Community Agreement in place. The Selectboard would be the Board to consider the agreement. An applicant can't apply for a license without the Host Community Agreement.

TOWN PLANNER'S REPORT:

Mr. Rembold said this will be Mr. Musgrove's last meeting.

Mr. Fick said no there is one more meeting prior to the election.

Mr. Rembold said he wanted to recognize Mr. Musgrove.

Ms. Nelson said Mr. Musgrove has been on the Board for 14 years.

Mr. Rembold said he has always been impressed with Mr. Musgrove's work. He has a quick mind and a dedication to the Planning Board that will be missed. He told Mr. Musgrove that he has appreciated his work and working with him.

Mr. Musgrove thanked Mr. Rembold for his comments.

Ms. Nelson said the next meeting may include a discussion of Tiny Houses. She said there is a tiny home in Salisbury Ct. at the end of Route 41 if anyone wants to see one.

Mr. Hankin said he would reach out to see if Katie Jackson can attend.

BOARD & COMMITTEE UPDATES/COMMENTS & CONCERNS:

Ms. Nelson invited everyone to attend the Lake Mansfield cleanup date scheduled for Sunday April 29 from 10:00-1:00. She said she hopes everyone can attend.

Mr. Rembold said the Complete Streets meeting was good with productive discussion. He said about 30 people attended. A second survey will be out soon.

CITIZEN'S SPEAK TIME: No one spoke.

Having concluded their business, Ms. Nelson adjourned without objection at 8:06 P.M.

Respectfully submitted,



Kimberly L. Shaw
Planning Board Secretary