

PLANNING BOARD MINUTES
December 02, 2013

Call The Meeting to Order

Chairman Vincent Spada called the meeting to order at 7:05 P.M. in the Town Hall Auditorium. Present at the meeting were Robert Fowler, David Plunkett, Nancy Reed, Stephen Johnson, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart.

(A) Approval of Minutes – November 18, 2013

MOTION - Mrs. Reed made a motion to approve the Planning Board minutes of November 18, 2013 as submitted. The motion was seconded by Mr. Johnson and unanimously voted 5-0.

(B) Committee Reports/Administrative Actions

(B1) Zoning Bylaw Subcommittee

Mr. Sadwick stated he has nothing to report. Mr. Sadwick stated that Medical Marijuana was a topic previously discussed that is on tonight's agenda for further discussions. The Police Chief was not available tonight but a map was distributed and comments from the Board of Health have been provided.

(B2) Master Plan

Mr. Sadwick stated that there is nothing new for the Master Plan. He needs to reach out to NMCOG. Mrs. Reed stated that in the memo from NMCOG dated October 7, 2013, it states that the draft vision statement and draft goals and objectives are completed. Mrs. Reed asked if this Board is going to review those and how are they completed if we have not seen them. Mr. Sadwick stated that he will contact NMCOG.

(B3) Committee Reports

There are no committee reports.

(B4) 379-357 Pleasant Street, Marc Ginsburg Conceptual Plans Discussion

James Hanley, Marc Ginsburg and Matt Ginsburg appeared for discussion of conceptual plans for 379 and 357 Pleasant Street. Mr. Hanley stated that they are planning on building an OSRD development. There is a total of 9.7 acres between the two lots. There are approximately 2 acres of wetlands which have been flagged. They are appearing before the Conservation Commission for an ANRAD on Wednesday for agreement of the location of the flags. They are proposing a 40' roadway with a cul-de-sac that conforms to the required standards. They are proposing eight lots. Of these eight lots, the two lots on Pleasant Street have existing houses. The other six lots will have 20,000 SF with approximately 100' of frontage. There will also be 3.50 acres of open space. This development will be serviced by public water and sewer.

Mr. Plunkett stated that the shed on Lot 8 looks like it will be in the new roadway. Mr. Ginsburg stated that the shed will be located on Lot 8 with the new lot line. Mr. Plunkett asked if the road will be private or public. Mr. Ginsburg replied it will be public and the road will be built to subdivision standards. Mr. Plunkett asked if the open space along Marshall Street could be utilized or connected to other Town open space. Mr. Ginsburg stated that the power lines are

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located towards the west and he is not sure what use could be done on those uplands because there are wetlands separating Marshall Street and Pleasant Street. He doesn't believe there is other property owned by the Town around this.

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Mr. Plunkett asked if the area could be used for walking trails. Mr. Ginsburg replied it could be but the question is how much land in the open space should be disturbed.

Mr. Johnson asked if the only waiver requested will be for the 40' roadway. Mr. Ginsburg stated that he doesn't believe a waiver is necessary but if it is then yes.

Mrs. Reed asked if the Marshall House was going to be kept. Mr. Ginsburg replied yes. Mrs. Reed stated that she is glad to hear that because of its historical nature. Mrs. Reed added that there could be CPA funds used to preserve historic structures. Mr. Ginsburg stated that he would keep this in mind.

Mr. Ginsburg stated that they are going before Conservation on Wednesday. They would like to move forward with the formal OSRD Special Permit and Definitive Subdivision submission. Mr. Sadwick stated that the Board would need to agree that this is the pre-application meeting as well as the preliminary plan.

(C) Medical Marijuana Discussion

Mr. Sadwick stated that the draft bylaw was sent to the Board of Health and Police Chief and a GIS map was provided. The Police Chief could not make it tonight and the Board of Health sent over comments. Most of their comments are questions and are listed below with responses.

1. How will hardship cases be handled for residential homes? The AG has said that MGL 40A will address this.
2. Section 6511& 6530 – The Initiative Petition and Citizens Petition will be changed to the correct citation.
3. Section 6512 – The reference to historic district will be removed because we do not have a historic district.
4. Section 6540 – The law is very specific with hardship cases and they will not be allowed in Senior Housing or condominiums.
5. Section 6557 – The State regulations covers the signage requirements.
6. Section 6563 – Add required review and approval from Fire Department and Police Department
7. Section 6565 – The licensing requirement can be tracked down through the State regulations. He will investigate this further.
8. Section 6566 – There needs to be clarification of applicant vs. property owner and if there is a difference. He will investigate this further.
9. Section 6568 – “tower” should be dispensary. The Board needs to look into if the Town would want a bond to cover the removal of the facility. He is not sure if we want to get into that. This bylaw was modeled after a cell tower bylaw. Mr. Sadwick added that we do not collect removal bonds for any other uses.

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Mr. Johnson agreed that we shouldn't get into bonding to remove the facility but he would want something that if a dispensary closes, the signs are removed immediately.

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Mr. Plunkett stated that on the GIS map with the 1,500' buffer only shows a potential of three small lots that would be viable for a dispensary and questioned if that provides enough options and would it be defensible in court. Mr. Plunkett stated that we should look at reducing the buffer to 1300'.

Mrs. Reed stated that Section 6552 discusses the size of the dispensary is a maximum of 20,000 SF in Gross Floor Area for cultivation but she did not see in the regulations that the facility has to be that large. This should be reduced. Mr. Sadwick stated that Town Counsel sent an email to the State asking that same question and he will follow up for the response.

Mr. Fowler stated that he is disappointed we could not have another meeting with the Police and Board of Health to discuss this bylaw especially with the preference of location of these facilities. Mr. Fowler stated that he would agree with Mr. Plunkett about reducing the buffer. Mr. Fowler stated that there was an article in the Lowell Sun about another use that was denied for a buffer issue and the court threw it out. Mr. Fowler stated that the question is do we want people coming into our Town to go to this facility or do we want them to stay on the edge of Town. The buffer from the highways should be dropped from 1500' to 1000'.

(D) Continued Discussion of Driveway at 1110 Main Street

Mr. Sadwick presented the chronological history of this parcel. The new owner of 1110 came in in September 2012 and asked for relief to close the two driveway connections with 1130 Main Street. Mr. Sadwick reviewed the Special Permit and minutes and in October 2003, the plan was amended to include the shared driveway plan with Coldwell Banker. On July 13, 2013 a memo on behalf of the owners of 1130 Main Street included a new driveway sketch that was approved Mass DOT which included an in/out circular driveway around the building. The owners of both 1110 and 1130 Main Street want to close off the two cross connection driveways. The owner of 1110 Main Street has installed temporary barriers to block access and he is concerned with insurance issues with people entering his property. This was originally brought in as a non-substantial change.

Mr. Fowler stated that our philosophy has always been to promote cross connect access between parcels. This allows for less traffic on Rt. 38. Mr. Fowler stated that he would understand blocking the cross connection close to Main Street but the back connection should stay.

Mr. Plunkett agreed with Mr. Fowler and we encourage cross access easements. Mr. Plunkett stated that he also wants further clarification of the entry radius that was brought up at the last meeting.

Mr. Sadwick stated that he will have the owners come in with a new application and will let them know the concerns of the Board.

Old Business

There is no new business.

New Business

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There is no new business.

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Director's Report

Mr. Sadwick stated that is no Director's Report.

Adjournment

MOTION - Mr. Johnson made a motion to adjourn the meeting at 7:45 PM. The motion was seconded by Mr. Fowler and unanimously voted 5-0.

Approved: _____
Nancy Reed, Clerk