

WEYMOUTH PLANNING BOARD
Town Hall, Kelly Room, 2nd Floor
Tuesday, April 1, 2014 – 7:00 p.m.
Record of Minutes and Proceedings

PRESENT:

Walter Flynn, Chairman
Sandra Williams, Vice Chairman
Mary Akoury, Clerk
Dave Chandler

NOT PRESENT:

Paul Hurley

ALSO PRESENT:

James Clarke, Director Planning & Development
Abby McCabe, Principal Planner
Christine Callbeck, Recording Secretary

Chairman Flynn called the April 1, 2014 meeting of the Planning Board to order at 7:00 PM.

REVIEW AND ACTION ON ZONING AMENDMENT PETITIOIN RELATIVE TO MEDICAL USE OF MARIJUANA AND REGISTERED MEDICAL MARIJUANA DISPENSARIES

Mr. Clarke stated that the Board members received a packet with a memo from the Planning Department including a suggested timeline showing the action required from Town Council, maps of the three (3) proposed areas where the Registered Marijuana Dispensaries (RMDs) would locate with this proposal, and the proposed zoning ordinance amendment language.

Mr. Clarke stated that after November 2012 when the proposal was passed for the medical use of marijuana Mayor Kay came up with a plan of action for the Town of Weymouth. Last year the Town proposed a moratorium with an expiration date of May 1, 2014; this date is fast approaching.

The State has provisionally approved 20 applications for RMD locations in Massachusetts. The Planning Department continues to have conversations with the Mayor's working group, other Massachusetts communities and the State. Mr. Clarke suggested his consideration of establishing a zoning district where the facilities are permitted to locate, licensing regulations and getting the health department involved for the details on the licensing and inspections. The State has mandated that there must be a permitted location in all municipalities of the Commonwealth. Mr. Clarke stated it is preferred that the Board of Licensing Commissioners be the final approval and a pre-approval meeting take place with the Board of Health, Fire Department, Police Department and all members on the Board of Licensing Commissioners. Ms. Akoury asked that staff provide the locations of the 20 approved locations to see where they are in relation to Weymouth.

Dan McCormack, Weymouth's Director of Public Health, is working with the Town Solicitor to propose an Ordinance with the Board of Licensing Commissioners. Mr. Clarke further stated the

town does not support RMDs to be located on a main street with a lot of commercial businesses and pedestrian areas nearby. The planning department recommends the RMD facilities be in I-1 (Limited Industrial) zoning district. The existing I-1 zones are include the Weymouth Industrial Park, Pleasant Street / Mathewson Drive and Finnell Drive areas of town.

Mr. Clarke stated that after a lot of careful thought and consideration the Planning Department would like to propose the following amendments to the Zoning Ordinance relating to Registered Marijuana Dispensaries regarding language, timing and maps to the Planning Board. Mr. Clarke summarized the proposed zoning ordinance language as provided in the memo dated March 28, 2014 as follows:

To add the a definition for the RMDs and list as a permitted use under the Limited Industrial Section of the Ordinance to included Registered Marijuana Dispensary provided they are not within 300 feet of a public or private, primary or secondary school, licensed daycare center, public library, public park or playground. The 300 foot distance is measured in a straight line from the nearest point of the facility to the nearest point of the proposed RMD.

Mr. Clarke informed the Board that State's regulations state that in the absence of local regulations a 500 foot barrier would be established as a default buffer. However, the Planning Department suggests a 300 foot buffer from the schools, daycares, parks, and playgrounds because a 300-ft buffer is the consistent with the State's Drug Free Zone.

Additionally, Planning Department added to the State's definition the wording *and the local Board of Licensing Commissioners* to the definition of the RMD thus requiring a local licensing.

Board members discussed adding language to also include near churches because of schools and CCD youth programs; it was also suggested to add local hotel or motels as a buffer where the RMD facilities. Mr. Clarke stated that the Board needs to be careful on how to craft the wording on this zoning amendment and that it can't be so prohibitive that no RMDs could locate in the town.

Ms. Akoury suggested the school department be a part of the licensing discussions because of the drug issues in this town. Mr. Clarke stated this suggested can be made to the Board of Licensing Commissioners and the Board's Chair, the Town Clerk.

Ms. Williams asked if the town could continue the moratorium and if so, could it be continued for another five years. Mr. Clarke responded that the Attorney General has made it clear there are limitations to the moratoriums.

Mr. Clarke added that the proposal is a two-step process; (1) zoning process and (2) licensing process.

Chairman Flynn noticed two typos in the zoning ordinance document - change the word form to from and the Board of License Commissioners to the Board of Licensing Commissioners.

Ms. Akoury asked before an RMD can open what must it do? Mr. Clarke responded that the State is the approving authority but the facilities must also comply with local regulations and zoning. Towns are able to adopt ordinance and regulations as long as they do not conflict with the State's regulations.

The Board members were supportive of increasing the buffer from 300-ft to 500-ft and asked staff to provide an updated map showing the 500-ft buffer from the parks, schools, libraries and daycares. The Board also wanted to add a required buffer to the Weymouth Club on Finnell Drive. An even larger buffer of 1,000-ft was also suggested.

Ms. McCabe reviewed the maps provided in the Board's packet showing the proposed locations and buffers and reviewed the staff memorandum dated March 28, 2014 and summarized the timeline as follows:

On March 4, 2013 the Weymouth Town Council voted to adopt a Moratorium on Medical Marijuana Treatment Centers. The moratorium is scheduled to expire on May 1, 2014. Without zoning in place to allow these facilities, they could possibly locate anywhere if the current Zoning Ordinance is silent on where they are permitted. According to the timeline below, June 2, 2014 is likely the earliest zoning could be adopted with a May 19 public hearing joint with Council and the Planning Board because of the advertising and notice requirements.

Mr. Clarke informed the Board that the public hearing notices to all the I-1 property owners will be sent. Ms. Akoury asked if this timeline and public meeting notice be posted on WETC and Mr. Clarke responded that he would look into it. Mr. Chandler asked why the timetable was so critical. Mr. Clarke stated the Town doesn't want to leave a big gap in case someone tries to acquire a piece of property and open up shop.

Mr. Clarke noted that the Planning Board can meet next week and take a vote on this Zoning Amendment petition if they want to think about it some more. Mr. Clarke stated the Planning Department is trying to protect the Town with the 300 foot regulations; it ties into the Town's drug free zone rules and regulations with the schools. Additionally, Mr. Clarke feels the I-1 Zone makes the most sense. Mr. Clarke asked the Board if they wanted to vote to submit the petition tonight or meet next week and take a vote then. The Board discussed possible meeting times and it was the consensus of the Board to continue the vote and meeting on Monday, April 7. Chairman Flynn asked Mr. Clarke to see if the Town Solicitor was available for the next meeting to answer questions from the Board.

Mr. Clarke reminded the Board that the Mayor Kay and the administration do not have a strong interest in Medical Marijuana Dispensaries coming into Weymouth but they have to be permitted. Adopting zoning changes to regulate where the facilities can be located is the best way to protect the community from unwanted development.

Ms. Akoury stated that she was concerned about abuse of medical marijuana and that the State is not handling this situation very well so far.

NEXT MEETING

The next meeting of the Planning Board will be held Monday, April 7, 2014 at 7:00 PM and the exact room will depend on availability but will likely be at Town Hall.

MINUTES

Mr. Chandler made a MOTION to ACCEPT the minutes of January 23, 2014 as written. Ms. Akoury SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Ms. Williams made a MOTION to ACCEPT the minutes of March 4, 2014 as written. Ms. Akoury SECONDED the MOTION. The vote was 3-0-1 (Mr. Chandler abstained).

Ms. Akoury made a MOTION to RELEASE THE APPROVED EXECUTIVE SESSION MINUTES REGARDING 119 RANDOLPH STREET DANDELION LANE SUBDIVISION minutes of July 24, 2013, August 5, 2013 and September 17, 2013. Mr. Chandler SECONDED the MOTION. It was UNANIMOUSLY VOTED.

OTHER BUSINESS

Zoning Petition to re-zone BRIDLE PATH (Sheet 34, Block 444, Lot 6) from Planned Office Park to Limited Industrial zone submitted to Council from property owner - anticipated public hearing on May 5, 2014

Mr. Clarke asked the Board if they were available for a May 5, 2014 joint public hearing with Council. All four members stated that they are available for May 5. The property owner submitted a zoning map amendment for a property on Bridle Path.

UPCOMING MEETINGS

April 7, 2014 was added by the Board this evening, April 22, 2014, May 5, 2014 (tentative - joint public hearing with Council), May 19, 2014 (tentative - joint public hearing with Council)

FORM A / ANR APPLICATION:

50 Pleasant Street

Ms. McCabe stated there is one existing lot on the corner of Pleasant Street and Wilbur Street. The proposal is to split the lot into two lots. Staff recommends that a note be added to the plan that the endorsement is not a determination of zoning compliance with Weymouth's zoning ordinance.

Ms. Akoury made a MOTION to APPROVE the FORM A for 50 Pleasant Street. Ms. Williams SECONDED the MOTION. It was UNANIMOUSLY VOTED with a condition that the plan be updated with a note that the endorsement is not a determination of zoning compliance.

466 Main Street

Ms. McCabe stated that the existing property has two building on the one lot. The property owner recently received a variance to rebuild the existing house in the rear of the lot and separate

the lot into two lots. She also noted that the BZA case number is referenced on the plan for future reference purposes.

Mr. Chandler made a MOTION to APPROVE the FORM A for 466 Main Street. Ms. Akoury SECONDED the MOTION. It was UNANIMOUSLY VOTED.

Mr. Clarke added two items under other business:

- The Metropolitan Area Planning Council (MAPC) has submitted a Hazard Mitigation Plan from its office to MEPA.
- All of the edits were finished on the Open Space Plan and submitted to the state for final approval. Once final approval is provided it will be printed and distributed.

Chairman Flynn asked Mr. Clarke about the status of a Solar Farm at the Landfill. Mr. Clarke stated that the town is looking into this and is meeting with Joe Carter soon to look at this site for this project.

ADJOURNMENT

At 8:11 PM, there being no further business, a MOTION was made by Mr. Chandler to ADJOURN and was SECONDED by Ms. Williams. It was UNANIMOUSLY VOTED.

Respectfully submitted,

Christine Callbeck
Recording Secretary

Approved by:

Sandra Williams, Vice-Chair
May 5, 2015