

**WEYMOUTH PLANNING BOARD
JOINT MEETING WITH TOWN COUNCIL ORDINANCE COMMITTEE
Town Hall Council Chambers, 2ND FLOOR TOWN HALL
TUESDAY, May 27, 2014 – 6:30 PM**

Present: Council's Ordinance Committee
Kenneth DiFazio, Chairman
Michael Smart, Vice Chair
Arthur Matthews

Absent: Jane Hackett, Councilor
Patrick O'Connor, Councilor

Present: Planning Board
Walter Flynn, Chair
David Chandler
Mary Akoury
Sandra Williams
Paul Hurley

Also Present: Jim Clarke, Planning Director
Abigail McCabe, Principal Planner
George Lane, Town Solicitor
Daniel McCormack, Director of Public Health

Chairman DiFazio called the meeting of the Ordinance Committee to order at 6:30 PM.
Chairman Flynn called the meeting of the Planning Board to order at 6:30 PM.

Item 14-078 Amendment to the Zoning Ordinance Registered Marijuana Dispensaries (RMD) & Item 14-079 New Proposed Ordinance Section 9-700 Licensing Registered Marijuana Dispensaries.

Ordinance Chairman DiFazio opened the meeting for both measures: 14-078 zoning amendment and 14-079 New Proposed Ordinance Section 9-700 Licensing Registered Marijuana Dispensaries.

Measure 14-079 – Licensing for RMDs (new Code of Ordinances Section 9-700)

Mr. McCormack, the Health Director, informed the Committee and Board that he prepared documents and a response based on the last meeting and updated the security requirements based on the state's regulations that included 24 hour surveillance and expanded further the Board of Licensing Commissioners regulations. Additionally, the proposed licensing ordinance has been updated to set the maximum number of RMD's at one instead of the originally three. Mr. McCormack distributed the updated Ordinance highlighting changes.

Councilor Matthews asked if the licensing Ordinance could require RMD's to be by appointment only and the Mr. Lane, Town Solicitor, responded that that may be an unreasonable condition.

Planning Board member David Chandler stated that he would like to see security cameras inside and outside the building and have this as a requirement in the licensing ordinance.

Planning Board member Mary Akourty stated that she had concerns regarding the lighting particularly in the parking lot areas and phrase "sufficiently lit". She also asked about increases the local fines for violations of the town's licensing ordinance.

Mr. McCormack responded that in page 37, under 105 CMR, number 10, of the state's regulations ensures that the outside perimeter of the RMD is sufficiently lit to facilitate surveillance. Also, under 11, it ensure that trees, bushes, and other foliage outside of the RMD does not allow for a person or persons to conceal themselves from sight. Further, the cameras would capture the parking lots and entry and exit doors.

Mr. Clarke, Planning Director, added that the term "sufficiently lit" because the staff and board members responsible for carrying out the Ordinance {14-079} have the technical knowledge to understand what that means. One of the reasons a new licensing ordinance is being proposed is because the Director of Health, Inspector of Buildings, Fire Chief, and Police Chief are members of the Board of Licensing Commissions and have knowledge and experience with surveillance and security measures.

Mr. McCormack responded that the \$300 was the maximum allowable at this time and reiterated that a stronger violation measure is the ability for the Board of Licensing Commissions to suspend and revoke of a permit to operate. A suspension will have a greater impact than a \$300 fine.

Measure 14-078 -Zoning Ordinance Amendment:

Councilor Matthews stated that he has received complaints related to areas where the RMDs are proposed to be allowed [I-1 Limited Industrial zone] and complaints that people were unaware of the proposed zoning amendment.

Walter Flynn, Chairman of the Planning Board, responded that the Board considered all areas of town and through its deliberations, the overarching philosophy was that there be no residential uses allowed within the zone that permits the RMDs which really only left the I-1 (Limited Industrial) zoning district. Also, when originally presented to the Planning Board by staff the zoning amendment proposed a 300-foot buffer and the Planning Board increased that to a 500-foot buffer.

Mr. Clarke added that as discussed at the public hearing, you're going to have a problem no matter where you all the RMDs in any zoning district because the town is largely residential and residences are always nearby even in the I-1 zoning district. Planning staff worked with the Planning Board to pick that had the least impact to residences and the industrial zone is the only one that doesn't allow residential. The Planning Board held three public meetings on the zoning amendment and the public hearing was noticed in accordance with local and state laws.

Ms. McCabe, Principal Planner, added that the public hearing notice was mailed to all of the property owners within the I-1 zoning district, which was approximately 250 notices and all material was posted to the website. The hearing notice directed everyone to the town's new website.

The Ordinance Committee had no further questions for the Planning Board and Planning Board Chairman Flynn adjourned the Planning Board to the Kelly Room to vote on amending the Zoning Ordinance by adopting MEASURE # 14-078 "The Weymouth Zoning Ordinances to allow Registered Medical Marijuana Dispensaries in the Limited Industrial (I-1) Zoning District.

In the Kelly Room, Chairman Flynn re-opened the Planning Board meeting.

On a motion made by Sandra Williams, seconded by David Chandler, the Planning Board voted 4-0-1 (Flynn, Williams, Chandler, Akoury in favor, Hurley abstained) to approve the Zoning Amendment Measure 14-078 as written and approved the Planning Board report prepared by staff dated May 27, 2014.

Chairman Flynn returned to the Council Chambers to inform the Ordinance Committee that the Planning Board voted favorable action on 14-078.

Other Business:

Approval Not Required (ANR) / Form A - 1224-1228 Commercial Street

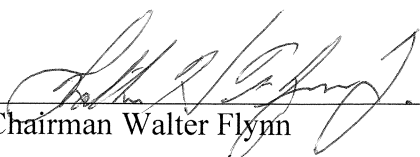
The Planning Board voted 5-0 to endorse the ANR plan for 1224-1228 Commercial Street to create two lots so that each of the two existing dwellings are on their own lot with the following two notes be added to the plan:

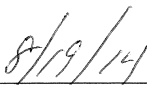
- Add a note either above or below the Board signature lines a note that the endorsement is not a determination of zoning conformance with the current Town of Weymouth zoning requirements; and
- The division of land is being submitted under the MGL Ch. 41, Section 81-L exemption that the buildings were standing prior to subdivision control law went into effect in the Town of Weymouth which was 1958.

Adjournment:

On a motion made by David Chandler, seconded by Paul Hurley, the Board adjourned at 8:14 PM.

Respectfully submitted by Abigail McCabe, Principal Planner


Approved by Chairman Walter Flynn


Date