

**PLANNING BOARD
MEETING MINUTES:**

May 25th 2023

PRESENT: Daniel Doucette, Jeanne Azarovitz, Amanda Wing, Jim Robinson, Christopher Farrell, John Duggan, Catherine Walton, David O'Connor

ABSENT: Elizabeth Brown

STAFF: Jennifer Copeland, Julia Gillis

ALSO PRESENT: John Puntonio, Pamela Mascetta, Coreen Moore, M.J. Mastrangelo, Doug Oosterheld, Lillian Harwood, Paul Gately, Steve Strojny, Louis Gallo, Kevin Hough, Lori Hough, Bill Stafford, Annmarie Siroonian

Meeting called to order by Chairmen Doucette at 7:03 p.m.

1. Election of Officers:

- **Motion** made by Mr. Farrell to keep Mr. Doucette as Chair, seconded by Mr. Robinson, all ayes by the Board, motion passes.
- **Motion** made by Ms. Azarovitz to keep Ms. Brown as Vice-Chair, seconded by Mr. O'Conner, all ayes by the Board, motion passes.
- **Motion** made by Mr. O'Connor to serve as Clerk, seconded by Ms. Azarovitz, all ayes by the Board, motion passes.

2. Top Coat Bond for 4 & 6 Forest Park Drive:

- John Puntonio – (applicant) We are building two buildings side by side after a previous Planning Board meeting we combined the two lots into one lot. The first building (4 Forest Park Dr.) is complete. Building at 6 Forest Park Dr. is underway. Tonight they are requesting to post a bond for the landscaping at 4 Forest Park Dr. and the final coat of asphalt in front of the first building when the second building is complete. Looking for an occupancy permit open up the building on 4 Forest Park Dr. Landscape is not finished, but the rain garden is in on 4 Forest Park Dr.
- Mr. Doucette – Proposes posting a bond for both the top coat and the landscape to get occupancy in order to ensure that the landscaping does get completed. Mr. Doucette also proposes to post a bond amount accepted by both the Town Planner and a member of the Board that is agreed upon by all parties then the Board would grant occupancy. Also, requests to have the plantings done by the end of June. Two bonds would then be posted: one for the plantings and one for the asphalt.
- Mr. Farrell – Concurs and makes a motion to post these two bonds, seconded by Mr. Robinson. Vote taken by the board, all ayes, motion passes.

3. Affordable Housing:

a. Housing Production Plan

- Mr. Doucette – Would like to discuss this because last year there were discussions regarding affordable housing. There are a lot of concerns about housing in the town. Mixed-use buildings for residential and commercial use would be a boost for the town and allow more foot traffic to these local businesses.

RECEIVED
AUG -4 AM 11:11
TOWN CLERK SCORNE

b. Accessory Dwellings

- Jennifer Copeland – This is regarding section 4120 in the Zoning Bylaw. The Cape Cod Commission has a chart of all the Town's on the Cape with a lot of information. For the Housing Production Plan, the Bourne Housing Partnership and Housing Trust hired a consultant; Karen Sunnarborg. She has been working with the housing group to update the plan. Once completed, it will be sent to the Board. It will be coming in the upcoming weeks. After it gets voted on by the Planning Board it goes before the Select Board.
- Open to the public for discussion
- Ms. Mascetta – (resident) Does the Board take into consideration the opinion of the residents near where the affordable housing is placed?
- Mr. Doucette – Yes, there would be a public meeting advertised where the public can make comments to make sure the board isn't overstepping. Will keep this on the agenda going forward to keep it open to for discussion.
- Ms. Moore – Glad to discuss accessory dwellings, believes this and affordable housing should be discussed together because they intersect where much of the accessory dwelling is used as affordable housing. Example: children who live with parents, elder parents living with children, etc.
- Ms. Mastrangelo – Feels it is crucial that this easy expansion of affordable housing gets looked at and is glad to see the Board doing so.

4. Marijuana Discussion:

- Mr. Doucette – The last time the petitioned zoning bylaw was before the Board, was for the Special Town Meeting in May 2023. There was a Bylaw before the Board, but due to the process it couldn't be amended, it had to be amended at Town Meeting. If the general bylaw ban gets lifted and there's no underlined zoning, it could likely go in as retail. The Board should develop some zoning for cannabis retailers in a timely manner. This is just an open discussion. If a petition for Town Meeting goes up, there would be a plan setup open for public comment and to make sure the Board is heard. If the ban is never lifted, this wouldn't be in effect. Local bylaws can't be any more lenient than the state. When the Bylaw first came up five years ago, much was unknown and the information is out there now. The process is very controlled by the state.
- Steve Strojny – (Resident) was behind the movement the last time around. Many good points were made. No secret we want to bring it back up before Town Meeting. Believes it would be much better this time if all interests work together, including the Planning Board. We have submitted proposed Zoning Bylaws to the Board and want to work together to come to terms with what works best for both interests. The industry makes a lot of tax revenue and in addition to being in a unique location on the Cape, the traffic could finally come to good use. We have listened to the meetings and have made significant changes from our original proposals. One change made is the elimination of establishments that have to do with manufacturing, cultivation, processing etc. Just three (3) dispensaries in three locations: the Downtown area, MacArthur Boulevard, and some areas in Sagamore. We want to do an overlay district this time much reduced from the original one. This is pretty straightforward, concise, and simple. We have aligned

it exactly with the state guidelines. Basically treat it like retail, don't put too much of a burden on it, give social equity to applicants. The trend is the ban will be repealed so we want to propose these to you and work alongside you. The overlay created has been shrunk down from the previous proposal.

- Mr. Doucette – Once we do this and finish the maps, we can do a before and after showing how much the new proposal reduces the size of the area proposed for the district.
- Ms. Azarovitz – Last time, when complaints would be brought forward, we'd have to make special adjustments for certain areas due to separate setbacks. This just makes it much more simple and clean.
- Mr. Strojny – The State has made it clear to not add so many hurdles to the process. The process already does what so many people are worried about including notifying abutters, having security plans, schools, neighborhoods, etc. It is a very heavily regulated business. Much of these plans come from a working group in 2019 that worked from surrounding towns. Taunton did a bad job because the process is so long and messy that people run out of funds to hold the land while going through the process to get a license. Mashpee put its dispensary in an industrial park where there is low traffic and isn't successful due to the desire to "hide" this industry.
- Ms. Walton – Wanted to clarify that if something comes up that isn't governed by the Town's Bylaws, we would go by the Cannabis Commissions laws.
- Mr. Doucette – Yes.
- Mr. O'Connor – Pleased with the approach. Felt that the Town Meeting was a pretty evenly divided group. Has some issues with the Town Planning aspect. Section 4851 Purpose, second paragraph, says it includes medical and adult use marijuana, yet in 4852 J., says that other than retail there will be no other uses in the Town.
- Mr. Strojny – Can't stop medical from coming in, is just a definition. This defines what the dispensaries are which is just for retailers, ruling out manufacturers and the other worries previously discussed.
- Mr. O'Connor – Section 4852 A. mentions, "Shall be permitted", do you intend, by right, it shall be permitted? Concerned about granting it by right. It gives the perception that it is lawful we just have to work out the details. It's hard to deny once it's by right. No other regional town, scalable to us, has by right, it is all special permit.
- Mr. Strojny – Yes, but there are provisions you have to abide by. It sounds like developers have free reign, but you still have to abide by the Bylaws. Understands the other towns, but they didn't do it right and we shouldn't follow the other towns. Sandwich put theirs off the beaten path. This is a jumping off point for the Cape and is unique to these other towns.
- Mr. O'Connor – The question is appropriateness. This is a cash business and this can worry the police and has other security concerns. A special permit allows the Board to determine appropriateness. Worried about lighting for cameras, lack of landscaping. Worried that the security plan would hinder the landscaping plan which conflicts with the look of the Downtown District. The negotiating point for me is a special permit.

- Mr. Strojny – These dispensaries have a ton of security to fix the security concerns.
- Mr. Doucette – The Cannabis Control Commission has a lot of regulation before they even get to us.
- Ms. Walton – Agrees with Mr. O'Connor that a special permit would be better at addressing issues due to the controversial nature of the dispensaries.
- Mr. O'Connor – The Downtown Core has a church and childcare facilities. There are buffer zones around the dispensaries that consider churches, schools etc., and I question why the zone extends so deep into the Downtown Core?
- Mr. Strojny – Not entirely sure, will take under advisement and try to address them.
- Mr. O'Connor – Section 4854, permit compliance. Involves transfer of permit with a change of ownership which is unique to the other towns.
- Mr. Strojny – There's still a vetting process through the state when there's a change in ownership. To even become an owner requires a strong vetting process and there's still the annual renewal owners have to go through with the state as well. The new owner would already have been thoroughly vetted.
- Mr. O'Connor – Section 4856, limitations. This section needs to be clarified.
- Ms. Mastrangelo – As Select Board Chair, the Select Board voted unanimously that the planning Board will work on the zoning articles for marijuana establishments. It is important for the Town Administrator and Town Planner to work with the board on this issue as well. As a resident, still have some concerns.
 1. It is important to add a special permit review. It is important that decision criteria be a part of the review process. This protects the town and allows for the establishment to fit into the area and the town.
 2. Concerned about the wording in section 4854, location requirements, and section D, that when performing site plan review, there may be exceptions allowed due to buffer zone requirements.
 3. Should limit the number of establishments and should consider to have fewer than 20% of the licensed alcohol retailers in town which is a commonly used standard to not be drunk on premises. This should be considered.
 4. The petitioner's maps provided are confusing without having a key to identify areas better. The Planning Board can create their own overlay maps with better detail for the public to use. Feels it is important to develop a bylaw that can pass town meeting with a 2/3rds vote. Haven't gotten consensus before with this issue. Hopes the board will not depend on the private petitioners draft alone. Can't just be reactive on this issue in case there is a petition.
- Mr. Doucette – Right now we're just in discussion and using this time to prepare a well thought out draft. If we aren't prepared a private draft can come forward, and if the ban is lifted, it goes right to retail.
- Mr. Hough – (resident) owns a cannabis shop in Carver. Explained the complex and intricate levels of security required by the state. The process is 2 years and the Cannabis Commission does a lengthy review of the entire property with review from the local police department. Change of ownership is reviewed and approved by the commission and employees get background checks. There is a very lengthy security process.

- Mr. O'Connor – Minimum separation between retailers is 150 ft., how did you arrive there?
- Mr. Strojny – Idea was just not to put two on top of each other.
- Ms. Mascetta – (resident of Buzzards Bay) confused by the maps. Confused about a lot of things in the application and would like more community meetings to discuss these things.
- Mr. Doucette – The Planning Office will provide new overlay map which will be easier to read.
- Mr. Stafford – (resident) views the problem of the two sides needing to get together and fix these issues. It will be the two sides fighting each other. Thinks there should be some kind of private discussions.
- Mr. Doucette – Agrees with the need for discussion. These meetings are here for those discussion to happen.
- Ms. Siroonian – Believes this has to been driven by the Planning Board and the Town. Confused about cannabis social consumption piloting program in section 8.
- Mr. Strojny – State had a pilot program possibly allowing public cafes for public consumption. This states that Bourne will not allow that whether the state allows it or not.
- Mr. Doucette – Thinks we should keep this on the agenda, keep moving forward, and was pleased with the conversation today.

5. Adjourn

Motion to adjourn by Mr. Robinson at 8:45 p.m., seconded by Ms. Azarovitz, all ayes from the board, meeting adjourned.