

PLANNING BOARD MEETING MINUTES

September 13, 2018

PRESENT: Elmer Clegg, Steven Strojny, Daniel Doucette, Jeanne Azarovitz, William Grant, Sandra Goldstein, Elizabeth Brown, John Carroll

EXCUSED: Lou Gallo

STAFF: Coreen Moore

PUBLIC: Jim Mulvey, E. Martin, Doug Desterheld

Chairman Clegg called the meeting to order at 7:02pm.

Project Follow-up: 790 MacArthur Blvd. Campbell's Boat Works. Landscaping.

Coreen: The applicant asked for a continuance to 9/27. I told them they had to appear in person.

Mr. Strojny made a MOTION to continue to 9/27/18. The MOTION was seconded by Mr. Doucette with all in favor.

Public Hearing for changes to the Zoning Bylaw: Reopen the hearing from 8/16/18 to add to Sec. 2220 Use Regulation Schedule and Sec. 2821 Downtown District. *Full text available at the Town Clerk's office or Planning Board office.*

Chairman Clegg: We put this on just in case the addition needed it, but it was ok just as administrative.

Mr. Doucette made a MOTION that a public hearing wasn't needed for this item. The MOTION was seconded by Mr. Strojny with all in favor.

Public Hearing for changes to the Zoning Bylaw: Section 2250 Medical Marijuana. *Full text available at the Town Clerk's office or Planning Board office.*

Chairman Clegg: This was as a place holder in the event it was needed. In joint session with the Selectmen and FinCom on 9/6, the Board voted to withdraw it from the warrant. Atty. Troy said the full bylaw was fine.

Doug Osterhill: What happens if the bylaw is voted down?

Chairman Clegg: Consequence is no regulation. If the ban passes, medical would still be in effect.

Doug: Is the town liable for anything?

Chairman Clegg: No restrictions except state regulations of 500' from K-12 school. They are subject to lighting, safety but no zoning except business restrictions. Think there is work to do to show results of such a vote – ban yes, bylaw no.

Mr. Doucette: Number of retail spaces, Board of Health has a cap on licenses at 10.

Ms. Goldstein: If the ban passes and the bylaw fails can the Selectmen not write a host agreement?

Chairman Clegg: If the ban passes, state and local level. Medical still rides, can't ban that. If a medical establishment had a state license prior to July 2017, can the town stop from expanding into recreational? Hasn't been tested in court yet.

Doug: Who deals with water consumption?

Chairman Clegg: The Water Dept.

Jim Mulvey: Water usage for a commercial application no on individual use.

Chairman Clegg: The moderator said it will be lottery at Town Meeting.

Mr. Doucette made a MOTION to withdraw this article from the warrant. The MOTION was seconded by Mr. Strojny with all in favor.

Discussion on change to the Zoning Bylaws: Solar Overlay District extension.

Chairman Clegg: on 9/6 we met with Selectmen and FinCom. This bylaw is to extend the existing solar overlay district as a Planning Board sponsored article. The concern of the Selectmen is that we voted to support without notifying abutters in writing about a public hearing. We are putting it on for 9/27 and notifying all the abutters to let them hear about it and speak. The Selectmen said they will not support this article. And its possible FinCom won't support it. We can have the meeting and IP the article. It would still be open to a motion from the floor.

Coreen: There is no state requirement to notify abutters of a zoning change and we don't have a policy.

Mr. Strojny: We had a public hearing and did endorse. THE proponent is aware of this as well?

Coreen: I'll call him tomorrow.

Mr. Strojny: I think it's unfair we withdraw our support.

Chairman Clegg: If we move forward without support from FinCom and Selectmen, where does that leave everybody? This was supposed to be on the ATM in May and didn't make it onto the warrant. The proponent has been disadvantaged.

Ms. Goldstein: Any guidelines on setbacks for this?

Coreen: This is the overlay district but can be parcel by parcel. Section 3470 covers that. If it was a project, abutters would be notified. Zoning, no state regulation to notify.

Mr. Strojny: Carefully crafted policy if proponent wants to move forward, fully vetted. Now the abutters will be fully notified.

Chairman Clegg: If we made a positive motion at town meeting and it doesn't pass, are we subject to the 2 year?

Coreen: No. It can be brought back with a substantial change. The two ground mounted solar farms we have don't have residential around them. The only concern I heard at the joint meeting was about notification. I'd like to know if they have other concerns.

Ms. Goldstein: Is this bogland? There is a huge amount of cranberries on the market, utilize to use bogs as solar.

Chairman Clegg: Part of it is. They'd have to private petition to use the bog as an overlay district. Suggestion of the town attorney that we vote to IP. Leave it up to the Board.

Mr. Strojny: Find out if Selectmen and FinCom have other concerns.

Mr. Strojny made a MOTION to hear the abutters on 9/27 and take no action tonight. The MOTION was seconded by Mr. Doucette with all in favor.

Committee Reports

LCP: Mr. Strojny: Vision for the Town moving forward. Dan, Liz and Jeanne are on the committee. We hired Wes Ewell as our consultant. The timeline is in place. Our goal is to present it at the Annual Town Meeting. Coreen is an action officer. We have a website: townofbourne.lcp.com It's the Town's plan. We hope to get input and ideas from the people. Reflect the collective vision of this town. We are having a standing meeting at 6pm on Planning Board meeting nights. Open to the public.

Chairman Clegg: Need to meet with department heads too.

Mr. Strojny: Coreen did an amazing amount of work on the original LCP.

Chairman Clegg: Can you do a presentation on 9/27 with a timetable for this? The contract with the consultant is only until the end of the fiscal year. Project plan, roles/responsibilities and how they mesh.

Mr. Strojny: Paper, web, cable TV, SWOP meet. 40-50 civic minded people. We have their info. They are all over town.

Ms. Goldstein: I think it gets more grass roots when go village to village.

Chairman Clegg: I second Sandra's suggestion.

CPC: Mr. Doucette: We have one article on the STM for engineering and design of the rail trail coming south. From this point forward projects will be reviewed every two years. It's up in 2019 or 20, will have to vote to continue.

Chairman Clegg: I thought it was a state thing.

Mr. Doucette: The numbers can be changed and the percentage 1, 2 or 3%.

Ms. Brown: Cape Cod Canal day is this Saturday from 11-7pm.

Mr. Strojny made a MOTION to adjourn. The MOTION was seconded by Mr. Doucette with all in favor. With no further business before the Board, the meeting was adjourned at 8:06pm.

Respectfully submitted,
Ann Gutterson