

**MINUTES
MARLBOROUGH PLANNING BOARD
MARLBOROUGH, MA 01752**

Call to Order

April 02, 2018

The Meeting of the Marlborough Planning Board was called to order at 7:00 pm in Memorial Hall, 3rd Floor City Hall, 140 Main Street, Marlborough, MA. Members present: Barbara Fenby, Phil Hodge, Colleen Hughes, George LaVenture, Greg Gallagher, and Chris Russ. Also in attendance were City Engineer, Thomas DiPersio, City Solicitor, Don Rider, and Planning Board Administrator, Krista Holmi.

1. Meeting Minutes

A. March 19, 2018

On a motion by Ms. Hughes, seconded by Mr. LaVenture, the Board voted to accept and file the minutes of February 5th. (Hodge Abstained). On a motion by Ms. Hughes, seconded by Mr. LaVenture, the Board voted to accept and file the minutes of March 19th as amended (typo corrected). (Ms. Hughes, Mr. Gallagher abstained) Motions carried.

On a motion by Ms. Hughes, seconded by Mr. Hodge, the Board voted to move up item 12A. Motion carried.

12. Public Notices of other Cities and Towns:

On a motion by Ms. Hughes, seconded by Mr. Hodge, the Board voted to accept and file item 12A, notices. Motion carried.

2. Chair's Business (None)

3. Approval Not Required (None)

4. Public Hearings

A. Proposed Zoning Ordinance to further amend Chapter 650, several subsections as it pertains to the Medical & Recreational Use of Marijuana, Order No. 18-1007163-1 &-2 7:05 pm

Chairperson Fenby opened the hearing at 7:05 p.m. Ms. Hughes read the public hearing legal notice into the record. Chairperson Fenby provided instructions to those in attendance. The hearing was conducted in the following stages: 1) Presentation 2) Those speaking in favor 3) Those speaking in opposition 4) Comments and questions from Board members.

Presentation:

Councilor Joseph Delano, Chairperson Urban Affairs Committee, 10 Harper Circle. Councilor Delano explained that the City's previous ordinances governing marijuana siting were too exclusionary. Locations were limited to the southwest quadrant of the City. Out of respect to a voting majority in favor of Question 4, the City reworked the ordinances to allow siting along the RT 20 Corridor near the eastern and western boundaries of the City. Mr. Delano indicated the committee had researched similar facilities prior to making their recommendations, noting that those facilities had very modest appearances that generated little attention or negative impact.

Speaking in Favor of the Amendment:

Matthew Brace- 491 Sudbury Rd. Concord Rd. spoke in favor of the proposed zoning amendment. He described himself as a patient who had benefited greatly from medicinal marijuana. He said he is working with a group of investors and is seeking a medical site in Marlborough in the 2500-5000 ft² range. Mr. Brace felt that the new zoning proposed made sense. He offered himself as a resource for anyone seeking additional information on medical marijuana establishments.

Speaking in Opposition to the Amendment:

Ms. Hughes read a letter into the record from resident Eileen Codyer, 286 Hemenway Street Marlborough. She was unable to attend the meeting, but she wished to voice her disapproval to any marijuana treatment centers, dispensaries or related recreational sales of the drug in any form or its paraphernalia. She referenced several studies and feels that any economic benefit allowing such facilities and commerce is outweighed by the disadvantages... negative impact on local health and safety. On a motion by Ms. Hughes, seconded by Mr. LaVenture, the correspondence was voted accepted and filed. Motion carried.

Chairperson Fenby declared that portion of the Public Hearing closed.

Questions and Comments from the Planning Board:

Mr. LaVenture said that the proposed ordinance was not very specific with respect to detailing specifications for surveillance cameras in the proposed facilities. He also questioned how the City would know what was stored in the facility. Councilor Delano explained that the state regulations are very specific regarding surveillance requirements. He stated that state regulations supersede those of the City. Each proposed facility must also go through the special permit process. Mr. Hodge felt that the ordinance's use of the word "medical treatment centers" is misleading. He felt they should be called "dispensaries", which more accurately describes their function. Ms. Hughes felt that the shopping centers on either end of the City may make sense, but thought the western boundary was too broad. She felt that the area west of Farm Road has many children living near Route 20. She feels that the boundary should be moved closer to the Sudbury line. There were no further questions or comments. Chairperson Fenby declared the Public Hearing on Order No. 18-1007163-1 closed. The public hearing on Council Order 18-1007163-2 was recessed pending City Council's further consideration of recreational marijuana ordinances in the City.

5. Pending Subdivision Plans - Engineer's Report

Subdivision Status Report – No additional changes to status report. City Engineer DiPersio mentioned that to date, Engineering has not received responses to its letters detailing remaining major completion items at Mauro Farms, Cider Mill Estates, Blackhorse Farms (Slocumb), Walker Brook Estates and Howe's Landing. Chair Fenby suggested that new members familiarize themselves with these current developments. The Planning Board Office will provide new members a map to assist in locating the developments.

6. Preliminary/Open Space / Limited Development Subdivisions (None)**7. Definitive Subdivision Submission**

Marlborough Hub representative, Jacob Lemieux of Hancock Associates, was present to introduce the proposed definitive subdivision near Valley and Howe St. The proposed development consists of four lots with a duplex on each lot. Ms. Hughes read the submittal letter by Hancock Associates into the record. On a motion by Ms. Hughes, seconded by Mr. LaVenture, the Board voted to accept and file all letters included in the submittal package. Motion carried. Chairperson Fenby scheduled a public hearing on the proposed development for Monday, May 21, 2018, at 7:10 pm in Memorial Hall. On a motion by Ms. Hughes and seconded by Mr. LaVenture, the Board voted to refer the subdivision submittal to both Engineering as well as the Legal Dept. The Planning Board decision will be due July 23, 2018.

8. Signs (None)

9. Informal Discussion

A. MEDC

Meredith Harris from the Marlborough Economic Development Corporation was present to address the Board. Ms. Harris explained that the organization represents a public-private partnership for planning that works with City officials, residents and private investors to foster economic development, job growth, community revitalization and expansion in the City with the overall goal of stabilizing the residential tax base. The MEDC works to identify what we can do better as a City to support economic development in Marlborough. Ms. Harris was invited to the Planning Board to discuss MEDC goals and purpose and how the Board can work together with the City and MEDC to ensure the best development outcomes in the City.

There have been many proposed zoning amendments before the Board, and members felt they needed a better understanding of how Overlay Districts fit into the City's "master plan" or vision for the City. Mayor Vigeant also attended and agreed that improving dialogue with the Board will be beneficial. Ms. Hughes said that having a "heads up" on what's coming and why is helpful. The Board is an independent voice, but communication is vital. Mayor Vigeant shared that overlay districts offer a zoning utility in specific areas without affecting the entire City. This tool has been used successfully in the past for mixed-use development projects. He also acknowledged that down the road (twenty or thirty years), market conditions may change that require tweaking of the concept originally envisioned for the overlay. Mayor Vigeant indicated that the City has acquired the "Fassile property" on Lincoln St., and there will be an opportunity for redevelopment with significant positive neighborhood impact.

The Mayor and Ms. Harris explained that the City partners with the Metropolitan Area Planning Council (MAPC) for planning services, and offered the use of those services to the Board. Ms. Hughes indicated that she could facilitate an introduction to the City's principal MAPC contact

10. Unfinished Business

A. Proposed Zoning Amendment - Council Order No. 18-1007136 Retirement Community Overlay District Section 650-8 (Marlborough Airport Property)

The Board would like to continue discussion of this matter at the next meeting, April 23. Member Fay was not available for the April 2nd meeting, and the Board wanted to allow for further input. There has also been an additional proposed amendment to the Retirement Community Overlay Districts (section 650-22) that, if adopted, could affect development at the airport site. The Board would like a little more time to consider this potential impact. On a motion by Ms. Hughes, seconded by Mr. LaVenture, the Board voted to send a letter to the City Council requesting additional time to review the proposed amendment. Motion carried.

B. Proposed Zoning Amendment- Council Order No. 18-1007137, Assabet River Rail Trail Overlay District. (ARRTOD) On the surface, the members feel that the proposed Rail Trail Overlay District is fragmented, with non-adjacent parcels identified for inclusion. Mr. LaVenture felt he needed to better understand the grand vision for the Overlay District. Other members wondered how future Lincoln Street redevelopment may affect this proposed zoning amendment. The newly acquired Fassile property is adjacent to a portion of the proposed ARRTOD. Since it is the Board's understanding that the MAPC offered some guidance in the selection of potential parcels for the ARRTOD, it was suggested that the MAPC be invited to the next meeting to provide further background on the use of overlay districts and how to best evaluate these proposed zoning amendments. On a motion by Ms. Hughes seconded by Mr. LaVenture, the Board voted to send a letter to MEDC requesting that Ms. Harris facilitate MAPC's participation in the April 23, 2018 meeting. Motion carried.

C. Proposed Zoning Ordinance Order No. 18-1007163-1 Medial Marijuana Ordinance- Continued Discussion.

Chairperson Fenby opened the topic for further discussion by members. Three areas were discussed: Word usage "Medical Treatment Center" vs. "Dispensary", clarification of what is meant by "Frontage", and allowable siting boundaries. On a motion by Ms. Hughes and seconded by Mr. LaVenture, the Board voted to make a favorable recommendation to the City Council for the proposed zoning amendment with the following suggested modifications:

- 1) The nomenclature "Medical Marijuana Treatment Center" should be referenced as "Medical Marijuana Dispensary", to accurately describe the use.
- 2) Section 650-18 item 2b modify "frontage" to read "primary access" on Massachusetts State Highway Route 20 (Boston Post Road).
- 3) Consideration should be given to restricting siting outside areas with high concentrations of youth, with a recommendation to restrict the easterly boundary from the Sudbury line to Diconzo Boulevard.

Motion carried. A letter of recommendation was prepared, provided to the City Clerk for recording and delivered to the City Council.

11. Correspondence: (None)

Adjournment: On a motion made by Mr. Russ, seconded by Mr. LaVenture, it was voted to adjourn at 8:50 pm. Motion carried.

/kih

Respectfully submitted,


Colleen Hughes