



## **MEETING MINUTES**

### **January 24, 2018**

Members Present: Vincent Vignaly (Chair), Marc Frieden, Paul Anderson, Barur Rajeshkumar

Members Absent: Cheryl Carlson

Others Present: See Attached Sign-In Sheet

**All documents referenced in these Minutes are stored and available for public inspection in the Planning Board Office located at 140 Worcester Street.**

The regular meeting began at 9:26 p.m.

Review 100 Century Drive SPR Time Extension Draft Letter – After a review of the draft, the Chair signed the letter. It will be forwarded to the Town Clerk and applicant.

Annual Town Report Review – Tabled to the February 14<sup>th</sup> meeting.

Comprehensive Master Plan (Land Use Chapter Update) – Tabled to the February 14<sup>th</sup> meeting.

#### **New Business/Review of Correspondence/Emails:**

Bentley Herget (Building Inspector) was present to discuss the request for an Occupancy Permit for 92 North Main Street (Building 92-A). Failure of the Town's Building Official to act within 10 days of an application to issue a Certificate of Occupancy shall be deemed to constitute a constructive issuance of such permit. Mr. Frieden suggested that "acting" could include issuing a denial that includes conditions that need to be addressed. Mr. Herget stated that the playground has not been constructed and the landscaping has not been completed. After discussions, Mr. Herget will have Mr. Ali provide an estimate for the remaining work, have VHB review it, and ask Mr. Ali for a bond until the work has been completed according to the permit issued. Mr. Herget will contact the treasurer for the type of bond that is preferred.

94 North Main Street – Mr. Ali told Mr. Herget that he has documents showing the house was a three-family house for decades. Mr. Vignaly said it has been a Single Residence District for many years. Dave Femia said Mr. Ali came before the Zoning Board with an ANR to separate the house from the housing project property (92 North Main Street). The ZBA allowed him to have his office in the house until Building A was completed. Mr. Ali should provide the paperwork to prove that the multi-family use is grandfathered. Mr. Femia was told to check with the assessors to see when their records changed to a three-family house in the Single Residential District. The board noted that they felt the sign was not appropriate and did not comply with the Sign Bylaw. Mr. Herget will check on this.

Mr. Herget said the Zoning Bylaws states there is no parking in the front of a commercial building and asked if there was any leeway on that. He was told it would require a variance from the ZBA.

Town Counsel Response to Zoning Questions of Undefined Land Uses and Allowable Multi-Family Unit Calculation – Mr. Vignaly emailed Town Counsel to find out if a land use is not specifically stated in the Zoning Bylaws, is the land use categorically prohibited. He also said the board is considering if zoning changes are needed regarding recreational marijuana as well as landscaping and construction contractor yards land uses, because there is no language in the Zoning Bylaws. Town Counsel's opinion regarding the landscaping and construction contractor's yards was that uses that are not expressly included in the bylaws are not allowed uses. If the town allows them, regulations are needed. Regarding recreational marijuana establishments, Town Counsel said the general prohibition on uses not specifically allowed in the Table of Uses does not apply to recreational marijuana establishments (RME). Under the Cannabis Control Act, RMEs are allowed in the towns; it can only be prohibited through bylaws and Town Meeting action. The next step would be to write a zoning bylaw to guide the number, location, setbacks, and/or simply to prohibit it or place a moratorium until the state process is defined. Town Counsel thought that based on a review of the zoning, recreational marijuana could be placed in the Business District or in the Medical Marijuana District. With regard to split lots (in particular 19 Crescent Street) and how to calculate the number of units, part of it is General Residence which allows multi-family, part of the lot is Single Residence. Town Counsel's response was that the area they can use to calculate the number of units should not include all of the Single Residence District, but only thirty feet into it from the Multi-Family District. He was not sure if their intention for eleven units on that property could comply with this interpretation.

Reports from Other Boards – Mr. Frieden said the CMRPC attended a CMRPC housing presentation. Mr. Rajeshkumar said the governor is proposing that the state zoning bylaws reduce the voting requirement for housing changes in zoning bylaws be reduced to a majority, not a super majority 2/3). The governor wants to increase the housing production for multi-family housing by 2025. Mr. Frieden questioned if the state would be giving the towns any more money for the increased operating costs in schools or increase the Chapter 90 funds; the answer was no. He also asked if they had any plans to change the calculations for affordable housing rates and was told no.

Citizens' Comments – None tonight.

Invoices were approved. Mr. Frieden made a motion to approve the Draft January 10, 2018 Regular Meeting Minutes; Mr. Rajeshkumar seconded; Rajeshkumar/Frieden/Vignaly voted in favor; Anderson abstained; motion approved.

February 14, 2018 at 7:00 p.m. was confirmed as the next meeting date and time.

Mr. Rajeshkumar made a motion to adjourn; Mr. Anderson seconded; all voted in favor; motion approved. The meeting was adjourned at 10:17 p.m.

Date Accepted: \_\_\_\_\_

By: \_\_\_\_\_  
Paul Anderson, Clerk

Submitted by: \_\_\_\_\_  
Melanie Rich