

**PLANNING BOARD
APRIL 6, 2017
MINUTES**

Chairman Burke called the meeting to order at 7:00 PM at the Town Hall

Members present: Burke, Giger, Perkins, Svarczkopf, and Wilson

Members absent: Barringer and Vega

PUBLIC HEARING – PROPOSED ZONING AMENDMENT

In accordance with the provisions of Chapter 40A, §§ 5 and 11, M. G. L., the Groton Planning Board held a public hearing to consider the following proposed zoning amendment proposed by the Board of Selectmen:

ARTICLE 25: TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA

To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Section 218-16.2, entitled: **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS**, that would provide as follows, and further to amend the Table of Contents to add Section 218-16.2, “Temporary Moratorium on Recreational Marijuana Establishments:”

Section 218-16.2 Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016; Chapter 351 of the Acts of 2016) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses on April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a “Recreational Marijuana Establishment”), as defined in G.L. c. 94G, §1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Recreational Marijuana Establishments.

The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Section 218-16.2(a)

Definition

"Recreational Marijuana Establishment" shall mean a "marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

Section 218-16.2(b)

Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 30, 2018 or until such time as the Town adopts Zoning Bylaw amendments that regulate Recreational Marijuana Establishments, whichever occurs earlier.

During the moratorium period, the Town shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Chairman Burke call the public hearing to order. Member Giger read the legal notice posted with the Town Clerk on March 13, 2017 and published in the March 17 and 24, 2017 issues of the *Groton Herald*. Selectman Anna Eliot represented the Board of Selectmen at the public hearing.

Chairman Burke explained the process under Chapter 40A, section 5, which requires the Planning Board to hold a public hearing and report to Town Meeting for any proposed zoning amendment. The Board of Selectmen have standing under Chapter 40A, section 5, to sponsor such an amendment. The referendum of recreational marijuana passed in November 2016, but the Commonwealth will set up the regulatory framework by March 15, 2018. The proposed moratorium will expire on June 30, 2018.

Selectman Eliot said the Selectmen proposed the moratorium to give the state time to clarify the rules and the Town time to consider how to handle such facilities locally. Town Counsel David Doneski drafted the proposed zoning amendment. The Attorney General is allowing such moratoriums as long as they are temporary.

Chairman Burke noted that the state decriminalized the personal use of marijuana and allows cultivation for personal use only. The Planning Board is sponsoring an amendment on medical marijuana dispensaries at the Spring Town Meeting.

Selectman Eliot said the Town recently received a letter of interest from someone about a medical marijuana business.

John Amaral asked if marijuana facilities would be allowed near schools or other areas where children congregate. Member Giger said if the zoning amendment is adopted, marijuana dispensaries would be subject to a special permit from the Planning Board.

Chairman Burke read proposed Section 218-16.1 which states:

“§ 218-16.1 Registered Marijuana Dispensaries

- A. No Registered Marijuana Dispensary (RMD), with or without cultivation operations, shall be located within five hundred feet (500') of the property boundary line of any lot in use as a public or private pre-school, primary or secondary school, junior college, college, licensed daycare center, church, library, park, playground, or other RMD. Distance shall be measured in a straight line from property boundary line to property boundary line.”

Chairman Burke said the paragraph does not include language regarding “where children congregate.”

Mr. Amaral asked about the orthodontist office and karate business on Main Street. Member Giger said that area is zoned “Village Center Business,” and that medical marijuana facilities will only be allowed by special permit in the General Business or Industrial Districts.

Selectman Eliot requested that the Planning Board support the proposed zoning amendment at Town Meeting.

The Board voted unanimously to close the public hearing. The motion was made by Wilson, seconded by Svarczkopf, to support Article 25 at Town Meeting. The motion passed unanimously.

PLANNING BOARD REPORTS

The following Board members will present reports to Town meeting:

Member Wilson	Article 22 Medical Marijuana
Chairman Burke	Article 23 Site Plan Review
Chairman Burke	Article 24 Concept Plan
Member Giger	Article 25 Moratorium on Recreational Marijuana

REQUEST FOR WAVIER – HOURS OF SITE CONSTRUCTION

John Amaral of 128 Main Street, LLC, submitted a request for a waiver of the Chapter 381 Site Plan Review Regulations, Part 9, Hours of Site Construction to allow construction at the Groton Inn from 9 AM to 4 PM on Saturdays. Mr. Amaral said the rain and spring snowstorms has put the project behind schedule.

Member Perkins expressed concern about impacting businesses that are open and busy on Saturdays. She suggested that construction workers park behind Prescott School. Mr. Amaral agreed.

Member Svarczkopf said the nearby residents of Boynton Meadows and Lawrence Academy should be informed about the Saturday work hours. Mr. Amaral said they want to be good neighbors and will address any concerns that arise.

Stormwater Inspector Michelle Collette said a waiver for hours of site construction would not apply to any earth removal activities which are governed by Chapter 134 Earth Removal. Mr. Amaral said he understood.

The motion was by Wilson, seconded by Giger, to grant a waiver of Chapter 352, Part 9 Site Construction Hours, as requested by applicant John Amaral of Omni Properties on April 3, 2017, with the following conditions:

- The additional hours of site construction will be on Saturdays from 9:00 AM to 4:00 PM.
- There shall be no parking on the street.
- There shall be no on-street loading or unloading.
- The applicant shall report back to the Planning Board no later than June 30, 2017 so the Board can determine whether or not to extend the waiver for Saturday hours.

The motion passed unanimously.

ROCKY HILL PERFORMANCE GUARANTEE RELEASE

The Board postponed action on Attorney Collins request to release the performance guarantee for Robin Hill Road and Cardinal Lane in the Rocky Hill subdivision. The Board received a report dated April 5, 2017 from Nitsch Engineering with several outstanding items to be addressed, particularly with the as-builts plans. The Board will consider the matter at its meeting on April 20, 2017.

Member Giger requested that the Board inform the Selectmen about the outstanding issues because there are articles on the warrant for the Spring Town Meeting for the acceptance of Robin Hill Road and Cardinal lane as public ways. Land Use Director Michelle Collette said she would do so.

Meeting adjourned at 8:00 PM

Respectfully submitted,

Michelle Collette, AICP
Land Use Director/Town Planner