

Minutes
Fairhaven Planning Board
Tuesday, August 28, 2018 – 6:30 p.m.

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2018 SEP 12 A 10:42

1. **GENERAL BUSINESS:**

a) Chairman, Wayne Hayward opened the meeting at 6:30p.m. and advised the meeting was being televised and recorded to a live feed on social media.

b) Quorum/Attendance: Present: Wayne Hayward, John Farrell, Ann Richard, Jeffrey Lucas, Rene Fleurent, Cathy Melanson and John Malaspino.

Absent: Geoff Haworth

Gloria McPherson, Town Planner was also in attendance.

c) Minutes: August 14, 2018 – Pass over to next meeting for review and approval.

d) Planning Board Bills:

1. \$90.00 Fairhaven Neighborhood News – Advertisement

John Farrell made a motion to pay the Fairhaven Neighborhood News and was seconded by Jeffrey Lucas. The motion passed unanimously.

2. \$84.96 – Staples – Office Supplies

John Farrell made a motion to pay the Staples bill \$84.96 and was seconded by Jeffrey Lucas. The motion passed unanimously.

3. \$162.80 – Wayfair – Office Supplies

John Farrell made a motion pay the Wayfair bill for \$162.80 and was seconded by Jeffrey Lucas. The motion passed unanimously.

e) Correspondence: None

2. **CURRENT PLANNING:**

a) Receipt of Plans: None

b) Approval of Plans: None

3. **PUBLIC HEARINGS:**

a) **PLN-19-001 – 40 Sconticut Neck Road** (cont'd from August 14)-Special Permit application by Stuart J. Ryan, Jr. Addition that would require five or more parking spaces for a proposal to construct an addition to the front of an existing adult day health center, at the property located at 40 Sconticut Neck Road, Assessors Map 28, Parcel 24G.

Matthew White, of Farland Corporation was present on behalf of the applicant. He had revisions to the plans as requested by the Board from the last meeting. He stated they were proposing additional plantings in front of the property; and made the Board aware of the landscaping plan and revisions found on page 3 of 4. Mr. White stated they were staying within the same footprint of the existing planting bed.

Rene Fleurent stated he wasn't sure about the vegetation on the sidewalk and as a cyclist it was difficult to pass through that area.

Ms. McPherson said it was pretty typical to see vegetation within the road right-of-way, such as street trees, noting that this was not on the sidewalk, but in an existing planting bed.

Mr. Hayward agreed that it was not uncommon to see vegetation in a public way.

Mr. Hayward stated he would like to see an added condition stating the applicant would be prohibited from utilizing Sconticut Neck Road to accomplish internal circulation traffic patterns. Ms. McPherson would consolidate that request into an additional condition.

Mr. Ryan confirmed the vehicle will back up and then park in the back as they discussed at the last meeting.

Mr. Fleurent said he would like to see the vegetation out of the Town Property.

Mr. White reiterated that they are staying within the existing boundary and they are not in the sidewalk, but on the layout, as its always been.

John Malaspino stated he lives close to this area and takes walks by there often, and its actually the Riccardi's property that has the overgrown bushes in the walkway.

Ms. McPherson stated she worked with the engineer, Nick from Farland and the revised plans reflect and address what the Planning Board requested at the August 14th meeting, which included additional plantings to the existing bed, and relabeling correctly the building elevations.

John Farrell made a motion to approve the Special Permit for 40 Sconticut Neck Road with the fifteen special conditions, 14 recommended by staff and the addition of an internal circulation condition as discussed, and was seconded by Cathy Melanson. The motion passed 6-1 with Rene Fleurent in opposition.

4. LONG RANGE PLANNING:

- a) Discussion regarding potential ZBL amendment addressing recreational marijuana.

Ms. McPherson stated she spoke to the marijuana attorney 'guru,' Jonathan Silverstein of Kopelan & Paige to pick his brain on a few things and she's updated the draft document, dated August 28, 2018 to reflect a few of their conversations, with more changes pending discussion with the Board.

The Board began by discussing the use schedule and going over all the changes that were made from the last draft. They also discussed what district would be the best for the recreational marijuana.

Mr. Fleurent said he felt it may be too restrictive.

Ms. McPherson stated that zoning is meant to be restrictive and it's the job of the Board in developing this bylaw to regulate the time, place and manner of marijuana operations..

There was a discussion regarding hours of operation, page 8 of the draft document and Ms. McPherson stated the information came directly from the existing Medical Marijuana Regulations for the Town.

A discussion on the Town's moratorium took place and whether or not that should be extended. Mr. Hayward stated some Towns are extending it for another six months, which is June 2019 and the Assistant Governor is allowing the extension.

Discussion on page 11, # 9- "adequately demonstrates best practices with regard to use of energy, water, waste disposal and other common resources, with no undue damage to the natural environment." The Board discussed if this should stay or not. Mr. Hayward said he was hearing some push back from people in the business.

Ms. McPherson stated she was meeting with the owner from Bask, Inc. on Thursday, to understand his professional thoughts.

The conversation continued on Green Communities and keeping #9 in the by-law. A Special Permit trigger is done on a case to case basis.

Mr. Hayward reviewed and discussed the zoning map and how the usage table reflects in each zoning district. Discussion reviewed on (p. 10, #6 i and ii), how many feet should be included in the separation barrier, what should be taken out.

Mr. Hayward suggested spelling it out for each district and looking at other variations.

Ann Richard made the suggestion to keeping the marijuana district as it is currently in the overlay district and then perhaps if need be, review it at a later date. This way, they can move toward Special Town Meeting with a zoning by-law in the overlay district.

Ms. Richard asked for a poll of the board members who would be okay of keeping it in the overlay district as it is currently. The straw poll vote was five in favor, Ann Richard, John Farrell, Wayne Hayward, Cathy Melanson and John Marsipoini; with Rene Fleurent and Jeffrey Lucas in opposition.

Jeffrey Lucas stated the reason he voted that way was because he believed that Industrial zone should be for craft marijuana cultivators.

Rene Fleurent felt that the industrial zone was being too contaminated by non-industrial uses and thinks it should be also in the Business Districts.

Discussion ensued.

Ms. Richard asked Ms. McPherson to write out the next "draft" review for their meeting to include uses allowed only in the overlay district so they could review.

Mr. Hayward stated he would like to sit down with Ms. McPherson to discuss the articles that needed to be written to have at the Town Meeting, that will address the by-law.

The Board discussed upcoming meetings, with a Special Permit on September 25th for the shipyard demolition of a building and readjust the parking.

At the end of the meeting, Ann Richard expressed that Citizens Bank has done a great job with at their new location and did everything requested of the Board and it looks awesome. She also gave kudos to Havenwood Business (near Flour Girls) that also has done a great job at their location.

Ann Richard made a motion to adjourn and was seconded by Cathy Melanson. The motion passed unanimously.

Meeting adjourned at 9:01p.m.

Documents reviewed:

1. Draft August 28, 2018 – Consolidated Marijuana Zoning

Respectively submitted.
Patricia A. Pacella *Pacella*