

Fairhaven Planning Board opened with the Chairman, Wayne Hayward's welcome and advising that the meeting was being recorded and taped. 2018 AUG 15 AM 9:27

**I. GENERAL BUSINESS:**

Quorum/Attendance: Chairman, Wayne Hayward; Vice Chairman, John Farrell; Clerk, Ann Richard, Rene Fleurent, Jeffrey Lucas, Cathy Melanson, and Jay Malaspino – Absent- Geoff Haworth

Minutes: June 12, 2018 – Ann Richard made a motion to accept the June 12, 2018 minutes and was seconded by Rene Fleurent. The motion passed 7-1, with Jay Malaspino abstaining.

Planning Board Bills:

\$180.00 – Fairhaven Neighborhood News – John Farrell made a motion to pay \$180.00 to the Fairhaven Neighborhood News and was seconded by Rene Fleurent. The motion passed unanimously.

\$270.14 – Staples – Supplies – John Farrell made a motion to pay \$270.14 for the Staples bill and was seconded by Rene Fleurent. The motion passed unanimously.

\$249.99 – AC Unit – this would apply to the FY18 budget for the new office. John Farrell made a motion to pay \$249.99 for the new ac unit and was seconded by Cathy Melanson. The motion passed unanimously.

\$7,235.76 – Wayne Hayward explained these were refunds from the 89 Account, that included Welcome Street, VCORP (for Charity Stevens Lane), Tractor Supply, South Coast Redevelopment, Lauren Francis, Verizon, and the corner of Alden/Bridge Study.

John Farrell made a motion to make the refunds as listed from the 89 Account in the amount of \$7,235.76 and was seconded by Cathy Melanson. The motion passed unanimously.

Rene Fleurent asked if the refund on Welcome Street has been completed, which Mr. Hayward said it has.

**II. CURRENT PLANNING:**

**Receipt of Plans: None**

**Approval of Plans: Form A**

Application by Edward R and Donna M. Goulart for the endorsement of a plan believed not to require approval (ANR) to adjust lot lines between two parcels, at the properties located at 45 and 51 Balsam Street (Assessor's Map 43C, Parcels 9, 90 and 93-98) in accordance with M.G. L. c. 41, s.81P.

Doug Schneider of Schneider Associates was present on behalf of Mr. and Mrs. Goulart who stated the Goulart's own two houses, one on 45 and the other on 51 Balsam Street and they were looking to balance the distance between the two houses.

Mr. Hayward stated there was no requirements to notify abutters.

Mr. Schneider stated the houses were land court property and already registered.

Ann Richard asked why the agenda read, "believed not to require approval".

Town Planner, Gloria McPherson stated that because the plan showed a lot line adjustment and there was no subdivision, the Board would simply be endorsing the plan, not approving it.

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

C. **PUBLIC HEARINGS:** None

D. **LONG RANGE PLANNING:**

- a. Discussion regarding the use of the PB's FY19, 20 hours of SRPEDD for Benoit Square rezoning to mixed use and the development of parcel maps.

Mr. Hayward opened the discussion to the Board that they started talking about the use of the 20 hours through SRPEDD back in March, but they didn't make the cut off date to use the FY18 hours; so that's why they were starting early in the fiscal year to begin planning how they wanted to use these hours through SRPEDD.

In his mind, Mr. Hayward stated that they could use the hours for the Benoit Square rezone for the Special Town Meeting in November, but now felt that they wouldn't have it figured out much before the Spring Town Meeting next year.

Mr. Hayward explained that they had received a \$25,000 grant from SPREDD who did a study with the Benoit Corridor.

Mr. Hayward stated they would need to get lot numbers and owners names to rezone the areas to mixed use. They would need to get some mapping available for Public Hearings to move forward in this area.

Discussion ensued.

Ms. McPherson stated that she could write up a scope with SRPEDD for the Board's review and they would sign it along with SRPEDD. She stated that it maybe shouldn't just be a strict mapping request.

Ms. Richard asked if the Town Planner, Ms. McPherson agreed with these plans.

Ms. McPherson stated she would like to see a little more than just the development of lot plans, such as performance standards that could be applied to both the north and south Main Street mixed use districts.

Wayne Hayward made a motion to use the Planning Board's FY19 SRPEDD 20 hours for Benoit Square rezoning to mixed use and the development of parcel maps and potentially other opportunities related to this area and zoning language; and to allow Ms. McPherson to create a scope with SRPEDD to bring back to the Board and was seconded by Cathy Melanson. The motion passed unanimously.

- b. Discussion regarding potential ZBL amendment addressing recreational marijuana

Mr. Hayward began the discussion stating to the Board that at the last meeting, the Town Planner handed out draft language. If the Town doesn't have specific language in the Bylaw, marijuana would be allowed all over Town.

Mr. Hayward said it was up to the Planning Board to create this bylaw to help regulate the use itself, where they can and can't do it. Hours of operation, etc.; he said there was definitely a lot to it.

Town Planner, Ms. McPherson began reviewing her draft document bylaw stating that Town Attorney, Tom Crotty has seen the draft, as well as the Cannabis Control Commission, and they were okay with it.

The board spent the evening discussing the Use Table and definitions in the document.

Ms. McPherson stated that it was necessary that the Board understand completely the definitions. She stated that the "use" table was the most liberal she'd like to see it and would be fine if the Board wanted to scale back the uses.

Mr. Hayward asked Ms. Melanson who is on the ad-hoc marijuana regulation committee what they've been discussing at their meeting.

Ms. Melanson responded that the last meeting there was not a quorum, but they had received the Board of Health's proposed bylaw and they were waiting for comments on the proposed zoning bylaw from the Planning Board.

Ms. McPherson stated that the difference between the two was that the State gave language to the Board of Health for writing up their bylaw, but there is no state-wide model zoning bylaw to start from.

Mr. Hayward asked if there was a ballot question from the committee proposed at this time, to which Ms. Melanson said there was not.

Discussion followed on whether the Board of Selectman could take a vote to add a ballot question either to ban recreational marijuana or not.

Ms. McPherson stated that a social consumption of marijuana ballot question would have to be petitioned by a citizen not the Board of Selectmen. She stated that the cap on number of Special Permits for Marijuana Retailers would be 20%, the best cap one can do without a ballot.

Jeffrey Lucas asked how many permitted uses were issued by the state.

Referring to the draft document, Ms. McPherson answered, "12 by definitions".

She noted that Marijuana Retailers, Delivery Only, and Consumption are the uses restricted by the cap in this version of the draft bylaw. Other uses could also be capped if the board so desired.

Mr. Hayward worried that this stuff could be changed by the state or legislature in the future and the bylaw has to be read in such a way that it protects the Town.

Cathy Melanson stated this was the first copy of the draft that they are reviewing and it's a good starting point.

Ms. McPherson stated that the ad-hoc committee couldn't fully review the zoning bylaw, because they felt that the Planning Board should really be the body that takes the first bite of the apple, and that the Planning Board was the body that should make recommendations on what uses are allowed in what districts.

A discussion about the date of the Special Town Meeting in November occurred. The STM is November 13, 2018; and a discussion about when the warrant would be due was discussed.

Discussion ensued.

Mr. Hayward shared his concerns that the language in the document needs to be precise in protecting the Town if again there were any changes in the future.

Ms. McPherson reiterated that the "Use" Table does add a "Special Permit" in particular zones, and has language that protects the town by allowing it in one zoning district only if social consumption use is approved at the ballot. She stated she wasn't married to the document and however the Planning Board wanted to change it, add to it, or etc., she was open to that.

There were a few frustrations that came from the Board on what some thought were repetitive discussions.

Ms. McPherson stated that it was important and healthiest that the Board continue to discuss all the various options so they could really understand the document.

Mr. Hayward agreed that this was the first conversation that the Board has had about this draft document and they really needed to discuss it to learn it.

More discussion ensued on the draft document and the definitions of the uses.

Ms. McPherson said that she herself wanted to tweak the document more. She says she reviews it every few days, and knew there was specifically things she wanted to continue to work within the document. She said it was very important for every Board member to fully review the document to understand the content.

Mr. Hayward asked if Ms. McPherson reviewed the RMD language in their current by-law.

Ms. McPherson stated that this document would address both the medical and the recreational use.

John Farrell thought that the Board was jumping around a lot on the document, and felt it better to discuss the document part by part to gain that better understanding as Ms. McPherson had started to do.

Ann Richard suggested that the Town Attorney be invited to attend the next meeting, as she felt he would be able to clarify a few concerns and would help in their discussion.

Mr. Lucas felt that it was better to wait until they were further along in the discussion to invite the Attorney Crotty.

The Board concluded that there was definitely more discussion needed about the bylaw.

#### **E. Any other business.**

In other business, Ms. McPherson had received a written surety bond draft for 20 Yankee Lane, for a solar installation that would surety the Town for \$81,600.

John Farrell made a motion to ask Attorney Tom Crotty to approve the surety bond document and was seconded by Cathy Melanson. The motion passed unanimously.


Rene Fleurent suggested that Tom Crotty give them a standard document for decommissioning.

Cathy Melanson made a motion to adjourn and was seconded by Rene Fleurent. The motion passed unanimously at 8:35p.m.

#### **Documents Reviewed:**

1. Consolidated Marijuana Zoning-Draft-For Discussion Only

Respectively submitted,

  
Patricia A. Pacella  
Recording Secretary