

Scituate Planning Board, January 17, 2013

SCITUATE PLANNING BOARD

MINUTES

January 17, 2013

Members Present: William Limbacher, Chairman; Daniel Monger, Vice Chairman; Richard Taylor, Clerk; Robert Vogel, Eric Mercer and Stephen Pritchard, Alternate Member.

Members Absent: None.

Others Present: Ms. Laura Harbottle, Town Planner.

See Sign-in List for names of others present at this meeting.

Location of meeting: Planning Board Office, Town Hall.

Chairman Limbacher called the meeting to order at 7:30 P.M. He announced the meeting was being audio recorded and asked if there were any other recordings being taken.

Documents

- 1/17/13 Planning Board Agenda

ACCEPTANCE OF AGENDA: Mr. Monger moved to accept the agenda. Mr. Taylor seconded the motion and the vote was unanimous in favor.

Finalize Zoning Articles for Annual Town Meeting 2013

Medical Marijuana, Accessory Dwellings

Documents

- Email from Laura Harbottle to Karen Joseph containing Medical Marijuana Moratorium language and email from Town Counsel
- Revised draft of the Accessory Dwelling bylaw dated 1/17/13

Chairman Limbacher reviewed that Town Counsel indicated that the Board could do a moratorium or a separate article as a fallback position for medical marijuana uses. The two positions cannot be combined as one article and Town Counsel thinks a moratorium will not be turned down by the Attorney General. Mr. Vogel believes a moratorium is the way to proceed. Mr. Taylor agreed and indicated if the moratorium is rejected by the Attorney General, an article regulating the medical use of marijuana could be done for the fall town meeting. Mr. Monger indicated that other towns are proposing moratoriums too, so the odds are favorable that a moratorium will be upheld. Mr. Mercer believes the moratorium would be the cautious approach. Mr. Vogel believes it would be irresponsible to not go with a moratorium as the state regulations have not been implemented. Mr. Monger concurred. Mr. Mercer said that he heard that a doctor's office had to move recently because it was writing recommendations for medical marijuana. He indicated there is a big reluctance for the use to be located in people's backyards. Mr. Monger indicated the Board doesn't know what the use will look like yet as the regulations have not been issued. Mr. Pritchard and Mr. Monger concurred that it was good to tie the moratorium into the proposed regulation date.

Mr. Taylor moved to approve the article for Temporary Moratorium, Medical Marijuana Treatment Centers reviewed on 1/17/13 as written. Mr. Vogel seconded the motion. Motion was unanimously approved.

Accessory Dwelling Bylaw

Mr. Monger agreed that the rewrites of the Accessory Dwelling bylaw have captured the Board's concerns. Chairman Limbacher concurred. Mr. Monger questioned if the wording should be clearly subordinate

instead of reasonably subordinate even though the subordinate concern is addressed through the size of the lesser of 40% of the net floor area or 900 sq. ft. Mr. Taylor was concerned that Section G requires an architectural element of a single dwelling for accessory units. Ms. Harbottle indicated this is only if the accessory unit is attached so the provision is applicable. Mr. Monger indicated the proposed changes will address concerns of size and subordination from the problematic accessory dwelling recently approved. Mr. Vogel believes this bylaw addresses the issues of accessory unit size on smaller lots. Chairman Limbacher asked about Section 530.4B. He inquired if it should not be the Planning Board instead of the Building Commissioner. The Board concurred that this change should be made. The Board all agreed that the bylaw changes have come together very well and address recent issues with the bylaw.

Mr. Taylor moved to approve the language of the Accessory Dwelling bylaw dated 1/17/13 with the exception that the annual documentation as called for in Section 530.B to be provided to the Planning Board or Town Planner. Mr. Vogel seconded the motion. Motion was unanimously approved.

Old Business and New Business

Documents

- Dreamwold Estates Lot Releases 2, 3, 4 Certificate of Action filed with Town Clerk
- Press release Scituate Conservation Commission Public meeting on 1/31/13
- 1-22-13 DRT Update

These items were distributed to the Board electronically.

Ms. Harbottle indicated the new Fire and Police facility is expected to go on the school department piece of the Ellis Estate off of Mann Lot Road. Mr. Monger informed the Board that he has become involved in an advocacy group for the skate park. The group would like the skate park repaired. It is one of the first precast concrete skate parks in the country. Chairman Limbacher indicated he will be updating the CPC spreadsheet for projects completed and funds allocated and will share the information with the Board after its completion.

Mr. Vogel moved to adjourn the meeting at 8:00 pm. Mr. Monger seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph
Planning Board Secretary

Richard Taylor, Clerk