

## **SCITUATE PLANNING BOARD    MINUTES    February 16, 2017**

Members Present: Stephen Pritchard, Chairman; William Limbacher, Vice Chairman; Ann Burbine, Clerk and Richard Taylor.

Others Present: Ms. Laura Harbottle, Town Planner.

Others Absent: Alternate member, Gerard Wynne.

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

Location of meeting: Planning Office, Town Hall, 600 C J Cushing Highway, Scituate.

Chairman Pritchard called the meeting to order at 7:35 P.M.

### **Documents**

- 2/16/17 Planning Board Agenda Amended II

ACCEPTANCE OF AGENDA: Ms. Burbine moved to accept the agenda. Mr. Limbacher seconded the motion and the vote was unanimous in favor.

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### **Update on Zoning Articles for Temporary Moratorium on Recreational Marijuana Sales for April Town Meeting**

#### **Documents**

- Draft zoning amendment for temporary moratorium on recreational marijuana establishments
- Zoning timeframe memorandum version 7
- Email from Laura Harbottle to the Board dated 2/24/17 with the above materials

Ms. Harbottle said that the moratorium would mean that you just can't buy recreational marijuana in Scituate at this time. She said that the commercial district is where a medical marijuana dispensary could be located in Scituate. Mr. Taylor said the proposed moratorium creates time for a planning process. Ms. Harbottle said that the planning process allows time to see if and how medical marijuana should be coordinated with recreational marijuana.

She indicated the moratorium would be in effect through 2018. She said that towns can have a ballot question to determine if licenses for recreational marijuana establishments should be issued. Ms. Harbottle said that needs to be done at the November 2018 at a mid-term election. Ms. Harbottle said the Attorney General's office said that moratoriums can be enacted through the end of 2018. She said that she recommends a moratorium be in effect through the 2018 election. Mr. Taylor said the Board did same thing with medical marijuana. Ms. Harbottle said this is more involved due to requirement to be on the ballot. Ms. Harbottle said there needs to be a vote to advance the moratorium article to the selectmen who will reopen warrant and then the Board will schedule a public hearing on March 23, 2017. Mr. Taylor asked if Town Counsel had reviewed the moratorium language. Ms. Harbottle said that the Town Administrator said the selectmen did not see the need to go to Town Counsel as the proposed moratorium is the same as what the Attorney General's office approved in West Bridgewater. Mr. Limbacher was concerned about the last paragraph as it looks like a sentence is missing. Ms. Harbottle said she would correct the issue.

AB moves that the Planning Board advance a zoning article for a temporary moratorium on the sale of recreational marijuana through November 30, 2018 to the Board of Selectmen for inclusion on the warrant for the April 26, 2017 Annual Town Meeting. Mr. Taylor seconded the motion. Motion was unanimously approved.

### **Planning Board Vacancy and Member Liaisons**

#### **Documents**

- Email from Laura Harbottle to the Planning Board dated 2/3/17 with 2016 Planning Board Liaison List

Ms. Harbottle said that she has been told that the Selectmen want to move forward with filling the Planning Board vacancy. Mr. Limbacher said that it doesn't make sense as by time the vacancy will be filled it will then be time for the election. Ms. Harbottle said she suggests the Board write a letter saying it would be best to have the person elected at this point as there is insufficient time and the person would just need to run for election anyway. Several Board members suggested Mr. Wynne could run for the full member slot. Chairman Pritchard concurred that it does not make sense to fill the slot now as the person would need to run for reelection just after being appointed. He said it may make sense to advertise the opening for interest. Mr. Limbacher suggested sending a letter indicating it is not reasonable to fill the slot before the election and that the Board appreciates the Board of Selectmen's concern. The Board discussed what the term would be as Mr. Vogel's term was up in 2017. Chairman Pritchard asked Ms. Harbottle to draft a letter to the Selectmen.

### **Form A – 90 Ann Vinal Road**

Ms. Harbottle indicated that the applicant has asked that the Form A application for 90 Ann Vinal Road be withdrawn as the 21 days in which to file the decision cannot be met due to the February 9, 2017 Snowstorm. Ms. Burbine moved to accept the applicant's request to withdraw the Form A for 90 Ann Vinal Road previously submitted on February 2, 2017 as a snowstorm forced the cancellation of the meeting on February 9, 2017 and the time to file the decision with the Town Clerk within 21 days would not have been met. The Board waives the filing fee for the new application. Mr. Taylor seconded the motion. Motion was unanimously approved.

### **Town Planner Report**

Ms. Harbottle indicated that a person on Whittier Drive who backs up to Blanchard Farm is very upset. Ms. Harbottle said there was concern of water ponding on the property that is behind 30 Whittier Drive. She indicated that she shared the email with Chairman Pritchard. She reported that the ponding was gone after 24 hours but the Whittier Drive occupant complained of new flooding in her basement. Ms. Harbottle indicated she has been going back and forth with Pat Brennan and Greg Morse looking at what grading can be done to fix the situation. Ms. Harbottle said that there are still some things that can be fixed now. Chairman Pritchard summarized that the Whittier Drive occupant felt that waiting to spring to fix the problems was unrealistic as the occupant felt that the ponded water disappeared into her basement. Chairman Pritchard asked if something can be done on a temporary basis as flooding of other people's property is not allowed during construction. He questioned if what was designed was adequate. Ms. Harbottle said some of grading is not done per plan. Chairman Pritchard commented that it seems like they have been chasing a water problem down the row of houses. Ms. Harbottle indicated that the contractors will be. Chairman Pritchard

asked that all the appropriate parties come together to address the issue. He asked how this will be addressed in the future. He said he thought there was supposed to be a water management plan during construction. Ms. Harbottle said there is such a plan. She said that the Board's consulting engineer, Pat Brennan, cannot come to the February 23, 2017 meeting, but could come on March 9. Ms. Harbottle said there are no funds to pay the engineer, but said he is implying he will come without pay. Chairman Pritchard asked Ms. Harbottle to keep pursuing a solution as it would be nice to get the matter resolved without a Planning Board meeting.

Ms. Harbottle also reported that with construction of 93-97 First Parish Road there is a problem with trucks parking on the road. She indicated there is not much room on property for construction parking. She indicated they could probably park at the triangle across the street. She said it is a difficult place for trucks to park for visibility reasons on First Parish Road. She said it is hard to enforce the no parking condition on the street as it depends on police support and sometimes the obstruction is gone before the police arrive. Steve Bjorklund said that the owner could put signs that say no parking on sidewalk. He said that the snow situation is not helping matters at this point.

Mr. Bjorklund asked if Blanchard Farms is in compliance with their NPDES permit during construction. He said that may be a helpful place to start.

### **Old Business and New Business**

#### **Documents**

- Email to Board dated 2/14/17 from Laura Harbottle with amended agenda for 2/16/17
- Email to Board from Karen Joseph dated 2/16/17 with Amended II Agenda

These items were distributed to the Board electronically.

Mr. Limbacher moved to adjourn the meeting at 8:04 p.m. Ms. Burbine seconded the motion. Motion was unanimously approved.

Respectfully submitted,

Karen Joseph  
Planning Board Secretary

Ann Burbine, Clerk  
2-23-2017  
Date Approved