

Montague Planning Board

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September 24, 2013 6:30 PM
Town Hall Upstairs Conference Room

MEETING MINUTES

Members Present: Ron Sicard – Chair, Bruce Young, Bob Obear, Fred Bowman

Members Absent: George Cooke

Staff Present: Walter Ramsey, AICP- Town Planner

Meeting was called to order at 6:35 PM by Ron Sicard-Chair.

Approval of Minutes:

***Motion** made by Bob Obear to accept the August 27, 2013 Planning Board Minutes. Seconded by, Fred Bowman. Motion passed unanimously.*

6:36 PUBLIC HEARING- Proposed zoning bylaw text change- Registered Marijuana Dispensaries

Pursuant to new state law legalizing the medical use of marijuana, The Board proposes to allow Registered Marijuana Dispensaries (RMD) by special permit and site plan review from the Zoning Board of Appeals in General Business, Industrial, Central Business, and Historic Industrial zoning districts and prohibit the use in all other districts. In addition, such facilities may not be permitted within 200 feet of schools and playgrounds. The purpose of the amendment is to provide for the orderly placement of RMDs in areas where such a facility is not inconsistent with the neighborhood character.

Guests: David Jensen – Building Inspector, Chris Sawyer-Laucanno – Montague Reporter

Ron Sicard opened the public hearing.

Planner gave a state law overview:

- Citizen initiative petition
- Effective Jan 1 2013
- 72% of Montague voters approved the petition (**2,947 YES, 1,154 NO**)
- Similar laws passed in CA, CO, and ME.
- Establishes State Registered Marijuana Dispensaries, regulated Dept of Public Health

Planner highlighted key planning concerns:

- Franklin County will receive at least one RMD (up to five)
- 7 applications have been filed for Franklin County
- Mandatory not-for-profit, state selected
- Towns cannot prohibit (Moratorium OK)
- No siting w/in 500 feet of a school, daycare, etc.
- We don't know exactly what RMDs will look like
- Production is largely exempt as an "Ag" use
- 1/3 of towns in the surrounding areas have moratoriums.

Planner read through the proposed zoning bylaws that he prepared:

- A RMD requires a higher threshold of review and narrower geographic focus than a typical “retail sales and service use”. There is public interest in regulating the siting, design, placement, security, and removal of RMDs.
- The proposed zoning amendment would allow RMDs by special permit from the Zoning Board in General Business, Industrial, Central Business, and Historic Industrial zoning districts while prohibiting them in all other districts. A new section would be added to describe special application requirements and mandatory permit conditions.

There was some discussion with the Zoning Enforcement Officer (David Jensen) regarding current and future zoning for the RMD’s:

- With the lack of a formal definition, the Zoning Enforcement Officer considers an RMD to be a “retail sales and service use”.
- Under current zoning, it is relatively easy for a MMJ dispensary to receive a building permit in Montague without a site plan review or a special permit.
- Current zoning:
 - GB General Business by-right/ SP over 5,000 Sqft SP
 - NB Neighborhood Business by-right up to 1,000 Sqft Not allowed
 - CB Central Business by right/ SP over 10,000 Sqft SP
 - RB Rural Business by right/ SP over 5,000 Sqft Not allowed
 - HI Historic Industrial by right SP
 - ID Industrial SP SP
 - AG-Forestry Districts Not allowed Not allowed
 - RS Residential Not allowed Not allowed
 - SP- Semi Public Not allowed Not allowed

Discussion Points:

- The Town’s attorney (Kopelman & Paige) has prepared a model bylaw. General opinion of the Board is that it is lengthy and restrictive.
- Other towns are allowing RMD’s by special permits in an industrial zoned land with boundaries from schools and playgrounds.
- Define terms: where children “congregate” and “daycare center” are terms that need some definition.
- Buffer from children: There are 9 areas of protection in the model bylaw: libraries, schools (5), childcare facilities, universities, public parks, youth centers, public swimming pools, playgrounds (6) and parkcade facilities. The Town does not have to implement a buffer from these areas. They are suggested. The Board wished to know what specifically the state wants to regulate. Planner will research. Section 7 9.2 removes that an RMD must be located a minimum of 200 feet from any playground or primary school in Montague. Measure the distance instead from the facility rather than property boundaries. This would only be feasible if the ZBA can make minimum requirements. The Planning Board does not want it to default to the State minimum of 500 feet. Kopelman & Paige advised Planner that the town can define a distance that is less than the 500 feet, as long as it is defined in the regulations. 500 feet would rule out significant areas of downtown, thus a boundary of 200 feet has been proposed. Walter will check with both the Town lawyer and the Attorney General’s office for recommendations.

- Sunset Clause: Limit special permit to the current applicant or when it expires. It cannot transfer to another owner. Board agreed.
- Design, traffic patterns, aesthetics, lighting, setbacks, use of the land, and security were discussed

Walter Ramsey will provide an update for the next meeting.

Motion made by Fred Bowman to continue the hearing to October 22, 2013 at 6:30PM. Seconded by, Bob Obear. ***Motion passed unanimously.***

Town Planner update:

Workshop Discussion: Reduced dimensional requirements for lots on new subdivision roads (cluster development) - distribute and review draft zoning amendment prepared by Planning Department:

According to the Planner, the purpose of this section is to allow for flexibility in design of residential subdivisions and the preservation of open space. Under his proposal, the Planning Board may grant a Special Permit to reduce the dimensional requirements of section 5.4, for the creation of residential building lots on a subdivision road being proposed after adoption under the Montague Subdivision Regulations, subject to the following conditions:

- The original parcel must be 5 acres or greater in size
- The frontage of all proposed building lots shall be on the proposed subdivision road.
- The number of new building lots created in subdivision under section 7.9 shall be equal or less the number of lots that could be created on the same parcel under a traditional subdivision. The applicant shall provide a yield plan to determine the number of lots permitted
- The Planning Board must conclude that the granting of a Special Permit will provide a public benefit through preserving land in agricultural use, contiguous parcels of forest land, or a scenic vista.

The Board noted that the issue of the subdivision/cluster development has been in the Town of Montague plans for 13 years. Bob Obear and David Jensen (Building Inspector) brought up that a subdivision should not be held to ANR frontage standards. Walter Ramsey shared with the group some potential development areas that could benefit if developed as a cluster development. These areas are off Montague City Rd and Millers Falls Rd. He noted that Randall wood Drive is an example of a clustered neighborhood (compared to existing zoning). David Jensen noted that agricultural land is primed for development and the board should define an Agricultural district that would be protected. Planner noted that approximately 80% of the agricultural land is under some sort of protection currently. There is an Agricultural Protection District, but the back lot development option has yet to be used. David Jensen's proposal for a solution is to have 5 acre zoning with no frontage requirements and thus making the value in the land. He also stated when thinking about frontage and zoning consideration needs to be given to the back lots and how they might be dealt with even if they are protected or part of a subdivision. David Jensen believes we need to plan for very modest growth in the town and to take away the frontage requirement while defining an Agricultural district. In doing so, agricultural use

would become primary and residential development secondary. Planner will come to a future Planning Board meeting with a proposal for an Agricultural District in conjunction with the cluster bylaw.

Turnpike Road Industrial Park planning update:

The Planning and Conservation Department has received a draft preliminary subdivision plan to develop 35 - 40 acres. Town of Montague will be the applicant. More information in the future will follow.

Motion made by Fred Bowman to adjourn the September 24, 2013 Planning Board meeting. Seconded by, Bob Obear. ***Motion passed unanimously.***

Meeting adjourned at 8:20 PM.

Approved by: _____ Date: _____