

TOWN OF LANCASTER
PLANNING BOARD
Lancaster Community Center
Monday, October 23, 2017

Present: Phil Lawler, Chair; Jeanne Rich, Vice-Chair; Tom Christopher, Russ Williston

Absent: Frank Sullivan

Also Present: Noreen Piazza, Planning Director

Chair Phil Lawler called the meeting to order at 7:00 PM

Public Hearing, Zoning Moratorium, Retail Sales of Recreational Marijuana

At 7:00 PM Chair Lawler read the Public Hearing Notice.

The following is the text of the proposed zoning bylaw amendment:

“To see if the Town will vote to amend the Town’s Zoning Bylaw by adding a new Section 78, **TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA RETAILERS** that would provide as follows, and further to amend the Table of Contents to add Article XVIII, “Temporary Moratorium on Recreational Marijuana Retailers.”

Purpose

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017, by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018.

Currently under the Lancaster Zoning Bylaw, a non-medical Marijuana Retailer (hereinafter, a “Marijuana Retailer”), as defined in G.L. c. 94G, Section 1, is not specifically addressed in the Zoning Bylaw. Regulations to be promulgated by the Cannabis Control Commission may provide guidance on certain aspects of local regulation of Marijuana Retailers.

The regulation of recreational marijuana raises novel legal, planning and public safety issues, and the Town needs time to study and consider the regulation of Marijuana Retailers and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Retailers.

The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retailers that sell marijuana and marijuana-related products to the general public, so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

Definition

“Marijuana Retailer” shall mean “an entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to consumers.”

For the purposes of this bylaw, the term “Marijuana Retailer” does not apply to a “marijuana cultivator”, “independent testing laboratory”, or “marijuana product manufacturer that may deliver or transfer marijuana products to other marijuana establishments, but not to consumers, as those terms are defined in G.L. c. 94G, Section 1, nor to the Medical Use of Marijuana for lawful purposes, as that is defined in G.L. c. 941, Section 1.

Temporary Moratorium

For the reasons set forth above and notwithstanding any other provisions of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Marijuana Retailer. The moratorium shall be in effect through December 31, 2018. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of Marijuana Retailers in the Town, and to consider the Cannabis Control Commission’s regulations regarding Marijuana Retailers, and shall consider adopting new Zoning Bylaws in response to these new issues.

Or take any action relative thereto.”

The Chair then opened up the discussion to the public for questions.

A resident (Jennifer Leone, 1 Holiday Lane) asked if the temporary moratorium applied to other aspects of recreational marijuana, i.e. cultivation, manufacturing, processing, research and development. Chair Lawler responded that the temporary moratorium is only for retail sales.

There being no further questions from the Board or the public,

At 7:05 PM Jeanne Rich motioned to close the Public Hearing; Tom Christopher seconded. Vote 4-0-0.

At 7:06 PM Jeanne Rich motioned to submit the article for the Special Town Meeting warrant; Russ Williston seconded. Vote 4-0-0.

Copies of the Planning Board report to the Special Town Meeting were circulated for review, as follows:

“November 6, 2017

ARTICLE # 1: Temporary Moratorium on Recreational Marijuana Retailers

In accordance with M.G.L. c. 40A § 5, the Planning Board opened a public hearing on October 23, 2017, on which date the public hearing was closed, to review Article 1 on the warrant for the Annual Town Meeting to be held on November 6, 2017.

The law regulating the use of recreational marijuana went effect on December 15, 2016. The State is in the process of establishing regulations regarding the licensing of commercial activities by March 15, 2018, and to begin accepting applications for licenses no later than April 1, 2018.

The regulation of recreational marijuana raises novel legal, planning and public safety issues, and the Town needs time to study and consider the regulation of Marijuana Retailers and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Marijuana Retailers. The Planning Board would like to adopt a temporary moratorium on the use of land and structures in the Town for Marijuana Retailers that sell marijuana and marijuana-related products to the general public, so as to allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner. Such moratorium shall be in effect through December 31, 2018. The Planning Board recommends approval of this Article as it is currently proposed.”

There being no comments from the Board,

At 7:08 PM Jeanne Rich motioned to accept the report to be read by the Chair; Russ Williston seconded. Vote 4-0-0.

Public Forum, Marijuana Warrant Articles for Special Town Meeting

Jeanne Rich opened the public forum discussion by reporting that the interested medical marijuana company, *Just Healthy*, had exhausted their attempts to find a suitable location to site their cultivation and educational center facility within the Town. The Planning Board had made a previous decision to expand the Medical Marijuana Overlay District into the Enterprise zoning district that is south of Route 2 and west of Route 70 as that would be the most attractive spot for *Just Healthy* as it had the acreage and privacy that they required.

This statement led to many questions from the public on the siting of medical marijuana facilities.

Planning Board Member, Russ Williston, stated that medical marijuana facilities may not be a good fit or use in the Enterprise zoning district, as they could displace other more suitable and profitable businesses for the Town.

Planning Board Member, Tom Christopher, stated that medical marijuana facilities are really more of an industrial use, and should be allowed in zoning districts that allow for such uses. They would also be an excellent source of tax revenue for the Town.

A resident (Jennifer Leone, 1 Holiday Lane) asked if only a portion of the Enterprise zoning district could be used instead of taking up 800+ acres that could be used for other more suitable and profitable businesses. She was also concerned about the volume of water that would be drained from the aquifer to irrigate the marijuana plants.

Tom Christopher proposed that the Medical Marijuana Overlay District (MMOD) be expanded into the other Enterprise zoning districts in order to open up more possibilities for these facilities.

Jennifer Leone asked if there were examples from other towns that have medical marijuana facilities as to their impacts on local services and on their tax generating capability. Tom Christopher said that he has knowledge of grow facilities in other communities and could provide some information.

Other residents in attendance raised concerns about:

- Location vs. homes, recreational fields, Kimball Farm
- Security
- Traffic
- Disposal of plants
- Water consumption
- Tax revenue
- Community comparisons – impacts

Another resident offered support for both medical and recreational marijuana facilities as revenue generating businesses for the Town that could potentially reduce their property taxes.

After some discussion, the Board decided to withdraw the article at the Special Town Meeting. The Planning Board report will be changed to reflect tabling the article indefinitely.

The Board will continue to review possible locations for expansion of the MMOD.

There was no further discussion on this matter.

At 7:50 PM Jeanne Rich motioned that the Board request to withdraw the article to expand the Medical Marijuana Overlay District and end the Boards report on the article with a motion to table the article indefinitely; Russ Williston seconded. Vote 4-0-0.

Review, Site Plan-Sterling Manufacturing, 640 Sterling Street

Present: Bill Hannigan and Christopher Anderson, Hannigan Engineering
John Gravelle, Sterling Manufacturing

Mr. Christopher Anderson gave an overview of the proposed plan. They propose to add an addition to Sterling Manufacturing which will consist of 18,700 square feet, with the future expansion of approximately 10,500 square feet. The site currently has access from Sterling Street with an area of pavement for parking. There are currently sixty designated parking spaces. They are proposing the parking area in the rear of the site will be reconfigured to allow for better truck maneuvering through the site. There will also be improvements to the overall stormwater management.

The reconfiguring of the parking lot will provide a total of 42 parking spaces. Per Article VI Section 220-23 (Minimum number of spaces), which requires one parking space per 250 square feet gross floor area of offices, or 300 square feet of production area, or 2,000 square feet of storage area, but capable of expansion to not fewer than one space per 300 square feet gross floor area. By the bylaw stated above, the required parking requirement for the site (based on building area) is ninety two spaces. They are requesting a waiver to the parking requirement as part of this Site Plan Review.

Haley & Ward provided the following peer review comments with the following responses from Hannigan Engineering, Inc.

- Comment #1: Proposed utility connections (water, sewer, electric) to the proposed building addition(s) should be included on the site plans.
- Response: Utility connections (water, sewer, electric) to the new addition will be made within the building. No new connections for these utilities are proposed. Additional electrical conduits may be installed to complete the site lighting which is under review.
- Comment #2 In Standard 3 of the Drainage Report, the applicant should show all calculation steps for the Capture Rate. It is unclear where the 34,399 square feet comes from. In addition, calculations should be provided to demonstrate that runoff from no less than 65% of the entire site's impervious cover is directed towards the BMPs.
- Response: Additional calculation steps have been added to the Standard 3 Calculations documenting the existing, new and total impervious area within the site. Furthermore, additional notes were added to document on how the capture rate was calculated, and to clarify that the 34,399 square feet was determined as the beginning of the swale that transports stormwater to the nearby retention pond.
- Comment #3 Calculations in Standard 4 of the Drainage Report show that the sediment forebay will provide 210 cubic feet of storage, however the corresponding node RGI in Hydro CAD calculations show that the sediment forebay will provide 1,378 cubic feet of storage. Please clarify.
- Response: The Hydro CAD node RGI depicts to total volume of the rain garden including the sediment forebay as part of the drainage model. The additional calculations within the Drainage Report are intended to document the total volume within the forebay and its compliance with the current Stormwater Regulations in regards to providing the appropriate amount of treatment.
- Comment: #4 4) It should be noted that the calculated post-development peak rate of runoff during the 25-year storm is 0.01 cfs greater than the pre-development peak rate. The applicant states that the increase is thought to be de minimus.
- Comment #5 The applicant should clarify if exterior illumination is proposed, and sufficient information should be provided to show conformance with the zoning bylaw with respect to exterior illumination. The following items should be provided:
- i) A lighting plan showing projected illumination levels across the site together with luminaire location and mounting height
 - ii) Manufacturer's data for the proposed luminaires showing lamp type cut off angle and light color temperature. The model number noted on the plans does not meet the range of light color required by the regulations.
 - iii) Proposed hours of exterior illumination
- Response: The lighting plans for the project have not been submitted as of yet since the final architectural plans are not complete. These plans for the building addition are currently being developed. Part of this will be the exterior lighting for the project which will include building mounted lighting. Should additional lighting standards be required to meet the performance standards of the Bylaw, they would be added to the plans.
- We ask that, as a condition of approval, the final lighting plan be presented prior to construction. It is intended to comply with the Bylaw relative to the lighting requirements.
- Comment: #6: Based on the parking requirements in the Town bylaws, 123 parking spaces should be provided, but only 42 spaces are proposed. The applicant should demonstrate that the proposed number of spaces will be adequate for all parking needs or apply for a special permit.
- Response: This was discussed with the Planner prior to filing. Under 220-23, the minimum number of spaces is required "unless in performing site plan review under 220-34, the Planning Board or, in acting on a special

permit, the special permit granting authority, determines that a lesser number would be adequate for all parking needs because of ... other parking demand-reducing measures.”

In this particular case, the number of employees at the site during the various shifts peaks at 20 employees. During a shift change, as many as 30 employee spaces may be needed if all the incoming and outgoing employees were on the site at the same time. This is not typical as employees enter and leave over a period of time during the shift change. Thus 30 spaces would be the highest demand, with 42 proposed.

Comment: #7: The rear setback requirement for parking and storage areas in GI Districts is no closer than 50 feet to any Residence district. The rear parking area comes within 45 feet of the nearest lot, which is a parcel in the Town of Sterling zoned Rural Residential & Farming.

Response: Acknowledged. However, the portion of the abutting parcel adjacent to where the parking is proposed is within the Town of Lancaster and is, therefore, within the same General Industry (GI) district.

Comment: #8: It should be noted that the Lancaster/Sterling Town line runs through this parcel. The section located in Sterling is zoned Rural Residential & Farming, no work has been proposed for this section. The work proposed for the section located in Lancaster, zoned General Industrial, will fall a few feet from the Town line.

Response: Acknowledged. In the area where the proposed building is located, the applicant owns additional land beyond the Town line. No development of this type is proposed with the Town of Sterling.

Comment: #9: The zoning bylaw requires that no noise be observed without instruments more than 200 feet of the property lines of the generating property. The applicant should demonstrate that the volume of onsite equipment can be controlled by the tenant.

Response: The proposed addition is primarily for warehouse use. The manufacturing within the existing facility does not generate significant noise and is performed completely indoors. As the facility is climate controlled, it is not expected that the noise levels would rise above background within 200 feet of the property lines.

Comment: #10: In accordance with Town bylaws, the applicant must document that there will be no on-site disposals of wastes containing greater concentration of toxic or hazardous substances than commonly found in domestic wastewater.

Response: The proposed facility has an existing septic system which handles the domestic waste from the facility. There are no process waste discharges from the facility and all process related wastes are properly stored and removed from the site as needed.

Jeanne Rich motioned to approve the site plan for Sterling Manufacturing, 640 Sterling Street with the following conditions:

- 1. The Applicant shall have up to three (3) years from the date of this site plan approval to complete the project and secure a Certificate of Occupancy.**
- 2. The Lighting Plan will be submitted at a later date after the building has been designed. The Lighting Plan should be submitted to the Planning Board prior to issuance of a building permit.**
- 3. The applicant should show all calculations steps of the capture rate of the stormwater runoff and confirm such with the Conservation Commission.**
- 4. The parking requirement of ninety two (92) parking spaces has been waived as a total number of forty two (42) spaces are acceptable for this site, due to the low number of employees working in each shift. Russ Williston seconded the motion. No discussion. Vote: 4-0-0.**

Discussion, Landscaping Plan for Dunkin' Donuts, 1474 Lunenburg Road

Present: Bill Hannigan, Hannigan Engineering

Bill Hannigan stated the landscape contractor, Matt Bernard from LandPro, has commented that at this time of year, the available materials for planting are limited. Matt Bernard has found thirteen of the nineteen trees scheduled for planting this fall. They are looking for authorization to prepare the beds now and plant in the spring.

Noreen Piazza commented to stagger the landscaping installation and do what you can now and finish in the spring. She suggested that they put down money into escrow to cover the cost of what is left to plant in the spring, or a cost estimate from LandPro and then get a bond.

This matter will be further discussed at the November 13, 2017 Planning Board meeting.

General Business

The Board reviewed the following information: (1) Planning Board minutes from the September 25, 2017 meeting; (2) Planning Board minutes from the October 16, 2017 meeting.

At 8:41 PM, Tom Christopher made a motion to accept the minutes for the September 25, 2017 meeting of the Planning Board. Jeanne Rich seconded the motion. No discussion. VOTE: 4-0-0.

At 8:42 PM, Jeanne Rich made a motion to accept the minutes as amended for the October 16, 2017 meeting of the Planning Board, as amended. Russ Williston seconded the motion. No discussion. VOTE: 4-0-0.

The Board reviewed the following information: (1) Invoice from Haley and Ward dated 10/10/17 for Stormwater MS4 permit; (2) Invoice from Haley and Ward dated 10/10/17 for Goss Lane Solar Review and (3) Invoice from Haley and Ward dated 10/10/17 for FC Stars Engineering Review.

Jeanne Rich made a motion to approve the invoice from Haley and Ward, Inc. for \$491.72 for Stormwater MS 4 permit. Russ Williston seconded the motion. No discussion. VOTE: 4-0-0.

Jeanne Rich made a motion to approve the invoice from Haley and Ward, Inc. for \$468.45 for Goss Lane Solar Review. Russ Williston seconded the motion. No discussion. VOTE: 4-0-0.

Jeanne Rich made a motion to approve the invoice from Haley and Ward, Inc. for \$1,669.68 for FC Stars Engineering Review. Russ Williston seconded the motion. No discussion. VOTE: 4-0-0.

Jeanne Rich made a motion that the Board submit a no comment response for the 2018 License Renewals. Russ Williston seconded the motion. No discussion. VOTE: 4-0-0.

Adjourn

There being no further business the meeting adjourned at 9:16 PM.

Respectfully submitted,

Debra Dennis
Office Manager