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## Planning Board Meeting Minutes January 23, 2018

### **7:15 P.M. Call to Order**

The January 23, 2018 meeting of the Norton Planning Board was held in the Selectman's Meeting Room and was called to order at 7:14 P.M., by Mr. Joseph Fernandes, Chairman. Member(s) present: Mr. Frank Durant, Mr. Timothy Griffin, Mr. Kevin O'Neil, Mr. Steven Hornsby and Mr. Stephen Jurczyk. Also in attendance: Tabitha Harkin, Planning and Economic Development Director.

### **A. Planning Board Business & Policies**

**MOTION was made by Mr. Hornsby to appoint Mr. Stephen Jurczyk as Vice Chairperson at 7:15 p.m. Seconded by Mr. Durant. Vote: Unanimous MOTION CARRIES**

### **B. Bills and Warrants**

**MOTION was made by Mr. O'Neil to approve the bills payable in the amount of \$5,488.55 at 7:16 p.m. Seconded by Mr. Hornsby. Vote: Unanimous MOTION CARRIES**

### **C. Approval of Minutes**

**MOTION was made by Mr. Jurczyk to approve the minutes of January 9, 2018 as presented at 7:17 p.m. Seconded by Mr. Griffin. Vote: Unanimous MOTION CARRIES**

### **Discussion - Upcoming Town Meeting Warrant**

Ms. Harkin reviewed her memo titled "*DPED Review – Draft Articles for Town Meeting*" and the various attachments included.

#### **a) Poultry & Rabbits Bylaw Amendment**

Mr. Fernandes read the proposed changes listed on the Article. There were questions from members regarding the set-backs and the boundaries of the lot. Ms. Lauren, KP Law, stated the underlying language would still apply and the comment in the table within the Bylaws should be consistent and serve as a reminder to the Building Inspector. Setback requirements are 10-feet on each side of the property line. If this isn't met, the applicant would have to go before the Zoning Board of Appeals. Discussion ensued regarding if there should be verbiage added to specify size of lot and allowance of poultry and rabbits. Mr. Fernandes suggested adding a note or a separate row that the applicant would need to comply with the lot size. Ms. Goldberg and Ms. Harkin will

work this into the table.

**b) Short Term Dwellings Bylaw amendment**

This was withdrawn so there was no need for a discussion. The Board of Health and Mr. Mike Yunits, Town Manager, discussed and can rectify the situation by adding in language to the bylaws.

**c) Zoning Bylaw Codification**

This codification was an administrative review and adjusted the numbering style of the Bylaws. It did not change anything substantially. Mr. Fernandes stated the way municipal bylaws were set-up was to comply with laws. The Town Clerk can ensure the numbering system is consistent and maintain as necessary. This gives the town flexibility to make non-substantial changes with the Town Manager approval. This change makes it mandatory for the Planning Board to have a hearing to change the Bylaws.

**d) Recreational/Medical Marijuana Draft Bylaw**

Ms. Goldberg gave an overview of the current moratorium guidelines. On April 1, 2018, the Cannabis Control Commission (CCC) will begin to accept applications for licenses. Once an application is submitted, the applicant needs to assert they comply with local law and Bylaws and have sixty days to comply. If nothing is received, it is assumed it is correct. The Town currently has a moratorium in place until July 1, 2018. If the Planning Board does nothing, and it expires, the Town would have to look at underlying zoning to make a determination and would need 2/3 vote at the town meeting.

Mr. Kimball came before the Board and stated the Board of Selectmen is not in support of this and the Board of Selectmen and the Planning Board need to work together to determine what should be approved and where. Ms. Goldberg reviewed the various regulations the CCC has put in place. Ms. Harkin stated there is a lot of information regarding location, public health, physical barriers, etc. and a lot of standards have been developed. This is to ensure a number of fail safes. Ms. Goldberg stated KP Law has a land use Law Department at firm and Ms. Katie Lockton has devoted a lot of time interpreting appropriate ways of looking at these issues. We need to remain flexible since everything is subject to change. The CCC has been scrambling to hire staff and get organized and has resulted in an accelerated time schedule. Ms. Goldberg recommended the town gives a little room in the recommended warrant articles to make adjustments as needed. If it is decided to extend the moratorium, the Town will have to research final regulations, license trends and learnings. Mr. Kimball encourages this method.

A discussion ensued regarding the possibilities of allowing use in industrial and commercial zones and also the allowance of social consumption. Part of this discussion included creating an overlay map for use in an industrial two zone. There was little support from the entire Board to support social consumption as the primary use.

**MOTION was made by Mr. O'Neil to recommend warrant article to extend the moratorium until December 31, 2018 as a last resort alternative in the case all other related article fail at 8:40 p.m. Seconded by Mr. Griffin. Vote: Unanimous MOTION CARRIES**



**MOTION was made by Mr. O'Neil to prohibit social consumption under retail establishments at 8:50 p.m. Seconded by Mr. Durant. Vote: (5-1-0) MOTION CARRIES**

**MOTION was made by Mr. Griffin to recommend warrant article to allow marijuana activities to include industrial and commercial zones at 9:01 p.m. Seconded by Mr. Hornsby. Vote: (3-3-0) MOTION FAILS**

**MOTION was made by Mr. Jurczyk to approve adult marijuana use in industrial zone areas only with the stipulation that prohibits social consumption by Special Permit and Site Plan review at 9:15 p.m. Seconded by Mr. Durant. Vote: unanimous MOTION CARRIES**

Mr. Hornsby stated he would like more options to be presented to the residents of Norton. He would like to put the article to recommend usage allowed in both industrial and commercial zones that is not supported by the Planning Board. This decision would need to be agreed upon by the entire Board. Since the Board does not concur, it will not move forward to the Town meeting as a warrant article. Mr. Kimball stated this could be voted upon at the following town meeting.

**MOTION was made by Mr. Griffin to recommend Draft Article A "*Keeping of Rabbits & Hens for personal use*" for Town Meeting at 9:29 p.m. Seconded by Mr. O'Neil. Vote: Unanimous MOTION CARRIES**

**MOTION was made by Mr. Durant to recommend Draft Article D "*Adaption of Zoning Bylaw*" at 9:30 p.m. Seconded by Mr. Jurczyk. Vote: Unanimous MOTION CARRIES**

Mr. O'Neil then gave a brief update on the appropriate zoning for Leonard street. Ms. Harkin stated due to the Bylaws, this property cannot be re-zoned.

**D. Report of the Planning & Economic Development Director**

Ms. Harkin distributed her report titled "*Report of the Department of Planning & Economic Development*" and gave details of items listed therein. Current applications include 324 East Main Street, a finished decision that is newly issued. An application for subdivisions will be coming up soon. This requires a Section 6 finding before coming to the Planning Board. Ms. Harkin stated there is still currently an empty seat on the Board and election papers are available. Complete Streets Working Group Kickoff is scheduled for Thursday, January 25, 2018 to begin work towards the next phase of plan. DPEP is drafting a Request for Proposal for the Village Center Vision Grant study. Ms. Harkin closed by stating the next meeting is scheduled for February 13, 2018.

**E. Adjournment**

**MOTION was made by Mr. Hornsby to adjourn at 9:37 p.m. Seconded by Mr. Durant. Vote: Unanimous MOTION CARRIES**

Respectfully Submitted by:

Kayleigh Correia  
Recording Secretary

Minutes Approved by Committee

on: 4/3/18 \_\_\_\_\_  
(Date)

Signature:  \_\_\_\_\_