

HARWICH PLANNING BOARD
HARWICH TOWN HALL
732 Main Street
DONN B. GRIFFIN ROOM
TUESDAY, JANUARY 23, 2018
6:30 PM

MINUTES

BOARD MEMBERS PRESENT: Vice-Chairman, James Atkinson; Joseph McParland; Mary Maslowski; Allan Peterson; Jim Joyce

BOARD MEMBERS REMOTE PARTICIPATION: David Harris

BOARD MEMBERS ABSENT: Chairman, Lawrence Brophy

OTHERS PRESENT: Town Planner, Charleen Greenhalgh, Police Chief David Guillemette and Cyndi Williams, Harwich Chamber of Commerce Director

CALL TO ORDER - 6:32 PM by Vice-Chairman, James Atkinson with a quorum present.

Vice-Chairman, James Atkinson announced the Recording & Taping Notification: As required by law, the Town may audio or video record the meeting. Any person intending to either audio or video record the open session is required to inform the Chair. He also announced that Charleen Greenhalgh has been appointed Town Planner for the Town of Harwich. He also announced that member David Harris is participating via conference call.

PB2017-32, Joshua A. & Jason D. Michniewicz - Site Plan Review Special Permit - 6:32 pm

Vice-Chairman, James Atkinson opened the hearing by reading the Legal into the record.

The application seeks approval of a Site Plan Review Special Permit pursuant to the Code of the Town of Harwich §325-55. The proposal seeks to construct a 6,000 SF, six-bay commercial structure and certain appurtenant site amenities for construction industry use. The property is located at 45 Main Street Extension, Map 45, Parcel H2-1, in the I-L Zoning Districts.

Motion made by Joseph McParland to continue PB2017-32 to no earlier than 6:30pm on 2/13/2018. Seconded by Mary Maslowski.

Vote by roll call: 6-0-0. Members voting: James Atkinson, Joseph McParland, Mary Maslowski, Allan Peterson, David Harris and Jim Joyce.

PB2017-33, Stephen D. & Nancy Morris - Use Special Permit for detached Accessory Apartment – 6:35 pm

Vice-Chairman, James Atkinson opened the hearing by reading the Legal into the record.

The application with waivers seeks approval of a Use Special Permit for a detached Accessory Apartment pursuant to the Code of the Town Harwich §325-51.H and Article V Use Regulations. The proposal seeks to construct a 725 SF, one bedroom dwelling unit and a single bay garage. The property is located at 11 Oliver Snow Road, Map 24, Parcel B3-A, in R-R Zoning Districts.

Motion made by Joseph McParland to continue PB2017-33 to no earlier than 6:30pm on 2/13/2018. Seconded by Jim Joyce.

Vote by roll call: 6-0-0. Members voting: James Atkinson, Joseph McParland, Mary Maslowski, Allan Peterson, David Harris and Jim Joyce.

Zoning Bylaw Amendments – Marijuana – 6:40 pm

Article XX: TEMPORARY MORATORIUM ON SALE AND DISTRIBUTION OF RECREATIONAL MARIJUANA

Vice-Chairman, James Atkinson opened the hearing by reading the legal notice into the record.

To see if the Town will vote to amend the Town's Zoning Bylaw, "Article XXII, Temporary Moratorium on the Sale and Distribution of Recreational Marijuana" as follows:

§325-134 Purpose

Paragraph A: add in the second sentence within the parenthesis after "Acts of 2016", the following "and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017"

Paragraph B: Within the first sentence replace the phrase "a permitted use in the Town," with "specifically addressed in the Zoning Bylaw" and delete in its entirety the last sentence.

§325-135 Definitions

Add a new definition for "Marijuana Establishment" as follows: "A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business."

Change "Marijuana Testing Facility" to "Independent Testing Laboratory" and keep the existing definition language.

§325-136 Temporary moratorium

In the second sentence, change "July 30, 2018 to "December 31, 2018"

In the third sentence, delete ", by ballot measure,"

Jim Atkinson spoke to the proposed changes to the Amendment item by item. Joseph McParland spoke to why these amendments are being proposed. Charleen Greenhalgh spoke

to the fact that there will be three options available to the Board and ultimately Town Meeting. The first is an outright ban, the second is the extension of the moratorium and the third is a bylaw, to be heard on February 13th, that would provide for a time/place/manner bylaw that would allow for the retail sale of recreational marijuana by Special Permit. She also explained that these proposed bylaws would have no impact on the rights provided under the Recreational Marijuana Law; people will still have the right to smoke, grow, etc. these would only affect the “retail” sale of marijuana. Jim Atkinson spoke to the process involved in zoning amendments and how the amendments would affect the sale of recreational marijuana. Mary Maslowski believes the moratorium should still go forward so that there are no gaps. Even if the Ban passes at Town Meeting there would still be a gap after July 1st.

Harwich Police Chief, David Guillemette, spoke in full support of both articles. He stated that both he and Fire Chief Norm Clarke totally oppose the retail sale of marijuana in Harwich due to the many studies showing the negative impact on people and communities as a whole; including negative impacts to Youths; Emergency situations; the Community as a whole and Public Safety. He provided several examples and stated that Harwich has already had some of these issues. He provided a link to a website from Colorado www.hidtanmi.org. Allan Peterson went to the website and found many concerns. Chief Guillemette also noted that they are seeing marijuana induced psychosis.

Motion made by Joseph McParland to close the Public Hearing at 7:07pm. Seconded by Allan Peterson. Vote by roll call: 6-0-0. Members voting: James Atkinson, Joseph McParland, Mary Maslowski, Allan Peterson, David Harris and Jim Joyce.

Motion made by Joseph McParland that due to a typographical error, motion to amend the proposed zoning article by changing the July 30, 2018 date to June 30, 2018 under §325-136 Temporary moratorium, in the second sentence. Seconded by Jim Joyce. Vote by roll call: 6-0-0. Members voting: James Atkinson, Joseph McParland, Mary Maslowski, Allan Peterson, David Harris and Jim Joyce.

Motion made by Joseph McParland to approve the proposed article as amended and recommend the article to the Town Meeting. Seconded by Jim Joyce. Vote by roll call: 6-0-0. Members voting: James Atkinson, Joseph McParland, Mary Maslowski, Allan Peterson, David Harris and Jim Joyce.

Article XX: MARIJUANA ESTABLISHMENTS BAN – 7:10pm

Vice-Chairman, James Atkinson opened the hearing by reading the legal notice into the record.

To see if the Town will vote to amend the Town’s Zoning Bylaw, ARTICLE V, Use Regulations, §325-10 Prohibited uses in all zoning districts, to include a new paragraph K, that would provide as follows, and further to amend the ARTICLE II § 325-2 Word usage and definitions to include, “Marijuana Establishments” as follows:

Section 325-10 Prohibited uses in all zoning districts.

K. Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical “marijuana establishments” as defined in G.L. c.94G §1, including marijuana cultivators, independent testing laboratory, marijuana product manufactures, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Harwich.

Section 325-2 Word usage and definitions.

MARIJUANA ESTABLISHMENTS - Marijuana cultivators, independent testing laboratory, marijuana product manufactures, marijuana retailers or any other types of licensed marijuana-related businesses, as defined in G.L. c.94G §1.

There was some additional discussion by the Board. Mary Maslowski pointed out a typographical error in the amendment, manufacture should read “manufacturer”. Police Chief Guillemette reiterated Harwich Public Safety’s full support of both articles.

Motion made by Joseph McParland to close the Public Hearing at 7:15pm. Seconded by Jim Joyce.

Vote by roll call: 6-0-0. Members voting: James Atkinson, Joseph McParland, Mary Maslowski, Allan Peterson, David Harris and Jim Joyce.

Motion made by Joseph McParland that due to a typographical error, motion to amend the proposed zoning article by changing the words “manufactures” to “manufacturers”.

Seconded by Allan Peterson. Vote by roll call: 6-0-0. Members voting: James Atkinson, Joseph McParland, Mary Maslowski, Allan Peterson, David Harris and Jim Joyce.

Motion made by Joseph to approve the proposed article as amended and recommend the article to the Town Meeting. Seconded by Mary Maslowski. Vote by roll call: 6-0-0. Members voting: James Atkinson, Joseph McParland, Mary Maslowski, Allan Peterson, David Harris and Jim Joyce.

Minutes for 12/12/2017 - Vote to approve.

Motion made by Joseph McParland to approve the minutes from 12/12/2017. Seconded by Allan Peterson. Vote by roll call: 6-0-0. Members voting: James Atkinson, Joseph McParland, Mary Maslowski, Allan Peterson, David Harris and Jim Joyce.

Zoning Discussion – Port Village District – 7:20 pm

Jim Atkinson opened the topic up to the Board for discussion as he feels the Board may not be in agreement that this should be pursued. Mary Maslowski spoke to the importance of understanding what this means. As an overlay the Board has more flexibility, whereas a change to the underlying zoning would eliminate the flexibility and would require variances for exceptions. Jim Atkinson spoke to the fact that this has to be done correctly and the need to

address the Town Counsel's comments. David Harris brought up the question of whether the zoning should be obligatory or flexible. Cyndi Williams, said that she would be interested in having a conversation as this would affect the businesses in Harwich Port. Jim Atkinson said that a future meeting with Planning Board Counsel Jim Acosta would be in order as well as a possible meeting in Harwich Port.

Briefings and Reports by Board Members

James Atkinson: Community Preservation Committee has had a preliminary discussion on all applications. They are hoping to vote at the next meeting on 1/24.

Adjournment

Motion made by Joseph McParland to adjourn at 7:32 PM. Seconded by Allan Peterson. Vote by roll call: 6-0-0. Members voting: James Atkinson, Joseph McParland, Mary Maslowski, Allan Peterson, David Harris and Jim Joyce.

Minutes transcribed and respectfully submitted by Amy Banford, Board Secretary.

Adopted: March 27, 2018