

HARWICH PLANNING BOARD
HARWICH TOWN HALL
732 Main Street
DONN B. GRIFFIN ROOM
TUESDAY, JANUARY 9, 2018
6:30 PM

MINUTES

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

BOARD MEMBER ON PHONE: Jim Joyce

BOARD MEMBERS ABSENT: Chairman, Lawrence Brophy; David Harris

OTHERS PRESENT: Eliza Cox, Esq; Patricia Nadle; John Bologna, Eng.; Ed McManus; Town Planner, Charleen Greenhalgh; Board Secretary, Amy Banford

CALL TO ORDER - 6:34 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.

Informal Discussion – Outer Cape Health, c/o Eliza Cox – 710 Route 28

Eliza Cox presenting. Ms. Cox gave an overview of Outer Cape Health Services (OCHS) plans to use the first floor of the building located at 710 Route 28, Harwich, former Thompson’s Market, for professional/business and medical clinic use. OCHS has filed the Site Plan — Special Permit zoning application with the Planning Board. They will also be requesting a Waiver for Parking. They are scheduled for the 2/13/2018 Hearing. They have a lease agreement with the LLC, Building Down the Road, for 10 years with two 10 year options to extend. Administrative functions have been occupying the second floor since March 2017.

Patricia Nadle, with OCHS, explained that their office has a long waiting list for access to health services. They are working with other agencies such as food pantries to provide access to services and to provide referrals. She pointed out that often people who should be using food pantries such as diabetics are not familiar with them, so they are providing programs to introduce those people to the services that could provide things such as medically prescribed diets to improve their health. They are not proposing Urgent Care services for this facility.

Architect Virginia Branch also gave an informal presentation for the plan for the interior remodeling. They will be providing an accessible entrance for handicap accessibility. They will also be adding a docking bay for an ambulance as well as an emergency egress path from the building. They will be replacing an existing loading elevator with a passenger elevator. They will be making alterations to the exterior of the building to protect against flooding because the property is in a floodplain.

Ms. Cox handed out a parking calculation document. Jim Atkinson advised that they provide more documentation about the parking when they formally present for their permit application. Joe McParland pointed out that there is a large public space across the street where their employees might be placing their cars and this should be investigated.

John Bologna, from Coastal Engineering explained more about the proposed flood proofing of the building.

Zoning Discussion – Port Village District

This will potentially be presented to the Planning Board this spring. The Board has reviewed this proposal numerous times. Former Town Planner, Aly Sabatino, submitted the proposal to the Town attorney, Adam Acosta, and he has raised a few concerns. One concern is that by making this the underlying zoning rather than a district overlay, we lose the ability to grant waivers without requiring application to the Zoning Board of Appeals. Granting waivers on a case by case basis could subject the town to exposure to lawsuit. Applying this zoning change would also create many pre-existing non-conforming parcels. Town Planner, Charleen Greenhalgh suggested that more study should be performed to determine how many parcels this would affect. The Board agreed to postpone the discussion on moving forward to the next agenda.

Zoning Discussion – Marijuana – Time/Place/Manner bylaw

James Atkinson explained that so far they have extended the moratorium on recreational marijuana and are going to Town Meeting this spring with a proposed complete ban. But, he suggested that we also prepare a proposed zoning amendment to control the sale of both recreational and medical marijuana in case the total ban is rejected at Town Meeting.

Town Planner Charleen Greenhalgh drafted a proposed bylaw, which does include medical marijuana. She has considered where the best location would be if we are forced to accept a retail location. It should require Special Use permit, and be required to be located in a stand-alone facility. That would limit to location that it could be placed by not allowing it to be located in any existing plazas and would enforce a 500 foot distance requirement from certain types of existing public facilities. Ms. Greenhalgh feels that it should be placed in a commercial location rather than industrial so that it is more part of the community and police awareness.

James Atkinson said that he thinks the proposed ordinance should deal only with recreational marijuana and not medical, because the town has not been designated as an allowed location for a medical dispensing facility.

Ed McManus, resident, pointed out that there is a third type of license that can be granted by the state, which is cultivation, and we should look at regulating those as well. It was pointed out that this language is already covered in the wording of the bylaw. After further discussion the Board asked that the minimum separation be increased from 500 feet to 1000 feet; that the references to “Medical Marijuana” be removed and that the “public parks, recreation facilities” and “religious facilities” be included in the list of uses that the marijuana establishment would have to be set back from; and that in the Use Table, “Marijuana Establishment – Residential” be changed to “Marijuana Establishment – Recreational”.

**Motion made by Jim Atkinson to move forward with the proposed bylaw as amended during the meeting and to send to the Board of Selectmen for their referral back to the Planning Board.
Seconded by Allan Peterson.**

**Allan Peterson proposed an amendment to include religious facilities in the list of public facilities. Amendment seconded by Mary Maslowski. Vote by roll call 5-0-0. Members voting: James Atkinson, Joseph McParland, Mary Maslowski, Allan Peterson, and Jim Joyce.
Original motion as amended vote by roll call 5-0-0. Members voting: James Atkinson, Joseph McParland, Mary Maslowski, Allan Peterson, and Jim Joyce.**

Zoning Discussion - Green Communities – By-Right Large Scale Solar, bylaw and location

Charleen Greenhalgh gave a brief overview of what Green Communities is about and the several requirements involved. One of which is by-right-sighting bylaw. A draft bylaw was provided to the Board Members. The by-right-use would still need to go through a review process; but a Special Permit would not be required. Certain Town vehicles should be replaced with higher fuel efficiency vehicles. New homes would need to meet a Stretch Energy Code. This would allow projects such as installing solar panels on a landfill cap a by-right rather than a Special Permit on Town property only. The consensus of the Board was to allow Mrs. Greenhalgh to proceed with her research on this.

Advisory Opinions - HDHC – Review and comments on applications for January 17th

A list of the current HDHC cases was sent out in the packet. No comments from the Board.

Advisory Opinions - Zoning Board of Appeals – Review and comments for January 31st

On the Cuddy Application before the Appeals Board, the Gas Company has been stock piling materials for the gas project. An abutter raised a concern over storage of asphalt and is seeking advisement from the Board of Health and Engineering. Ms. Greenhalgh recommended that this use should be strictly temporary. The Board did not vote to make comments on this application.

Signature(s) for Registry of Deeds and Land Court

Jim Joyce will be in Tuesday to sign.

Review of Revised Hearing/Meeting Schedule

The main change is that the dates for Public Meetings vs. Public Hearings are not specified. The new schedule is still by-weekly, and will be a Public Meeting or Public Hearing as needed.

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

Deferred to next meeting.

Briefings and Reports by Board Members

James Atkinson: Community Preservation Committee has reviewed all 16 applications. There were 16 total applications in excess of 3 million dollars. After work done to reclaim funds not allocated, they now have in excess of 3 million available. The next meeting is on Thursday, 1/11.

Adjournment

Motion made by Joseph McParland to adjourn at 8:34 PM. Seconded by Allan Peterson. Vote by roll call: 5-0-0. Members voting: James Atkinson, Joseph McParland, Mary Maslowski, Allan Peterson, and Jim Joyce.

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

Adopted: March 27, 2018